

REQUEST FOR APPLICATION # TCS-02-101
LOCAL ENFORCEMENT OF TOBACCO CONTROL LAWS

May 9, 2002

CALIFORNIA DEPARTMENT OF HEALTH SERVICES
TOBACCO CONTROL SECTION

**P.O. Box 942732, MS #555
SACRAMENTO, CA 94234-7320
(916) 327-5425
<http://www.dhs.ca.gov/tobacco>**



State of California—Health and Human Services Agency
Department of Health Services



DIANA M. BONTÁ, R.N., Dr. P.H.
Director

GRAY DAVIS
Governor

May 9, 2002

TO: Prospective Applicants

SUBJECT: REQUEST FOR APPLICATION (RFA) # TCS-02-101

Attached is RFA # TCS-02-101 entitled “**Local Enforcement of Tobacco Control**”

The purpose of this RFA is to seek applications from qualified California law enforcement agencies or other organizations with code enforcement authority to conduct local enforcement of state and local tobacco control laws. California State governmental agencies are not eligible to apply.

Agencies selected will be funded to perform enforcement duties related to public health-related tobacco control laws within their local communities, townships, counties, cities, or other relevant jurisdictions. Research has demonstrated that increasing compliance with these laws decreases tobacco use, protects youth and adults from health hazards related to secondhand smoke, and reinforces the social norm that tobacco use is not a desirable behavior.

The enclosed RFA specifies eligibility, submission requirements, and tentative timelines. Please read the RFA carefully, as this is an open competitive process and applications must comply with all instructions in order to be reviewed. **Applications are due to the California Department of Health Services, Tobacco Control Section (CDHS/TCS) on Thursday, June 27, 2002, no later than 5 p.m.**

The complete RFA and all required forms are also available on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco>. Additionally, the Policy Section of the *CDHS/TCS Competitive Grantees Administrative and Policy Manual* is available on the website to assist potential applicants in preparing their application(s).

If your organization is eligible and interested in applying for funds, you will need to submit a “Letter of Intent” (see page 5 of the RFA) due to CDHS/TCS on May 28, 2002. Also, it is recommended that you attend the scheduled Bidders’ Conference. Please bring a copy of the RFA with you to the conference. Answers to questions about the RFA will be provided

only at the Bidders' Conference. Phone calls for programmatic technical assistance in preparing the application will not be accepted.

Prospective Applicants

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May 9, 2002

BIDDERS' CONFERENCE:

**Friday, May 17, 2002
9 a.m. – 12 p.m.
Continental Plaza Auditorium
601 North 7th Street
Sacramento, CA 95814**

If anyone attending the Bidders' Conference requires special accommodations for the hearing impaired, please contact Lori Loftis, Contract Manager, Administrative and Contract Support Unit, TCS, at (916) 324-3919 by May 15, 2002. Thank you for your interest in tobacco control.

Sincerely,

Dileep G. Bal, M.D., Chief
Cancer Control Branch

Enclosure

cc: Local Lead Agencies
Regional Community Linkage Projects
Ethnic Networks
Competitive Grantees

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I. INTRODUCTION

A. Purpose

The purpose of this Request for Application (RFA) is to seek applications from qualified California law enforcement agencies or other organizations with code enforcement authority to enforce state and local tobacco control laws. Research has demonstrated that increasing compliance with these laws protects youth and adults from tobacco addiction and health hazards related to secondhand smoke. Therefore, it is the intent of this RFA to fund enforcement operations only. Funding from the Tobacco Master Settlement Agreement (MSA) has been allocated to fund local enforcement of tobacco control laws.

B. Background

In November 1988, California voters approved the Tobacco Tax and Health Protection Act of 1988 (Prop 99), which added a 25-cent tax to each pack of cigarettes sold in the state. Additional taxes have been added in recent years, bringing the total taxation to 87 cents per cigarette pack. These tobacco taxes are earmarked for tobacco-related research, health care, and health education, and excludes enforcement activities. Funds from the MSA are not restricted, and can be used for enforcement purposes.

The health education campaign launched by CDHS/TCS focuses on a community norm change approach by emphasizing altering the environment in which we live. By improving the social environment, communities create an atmosphere that promotes behavior and attitude changes regarding tobacco use and tobacco promotion. To implement this innovative approach, CDHS/TCS funds local health departments (local lead agencies), competitively selected state, regional, and community-based projects, a state media campaign, and an extensive evaluation of the entire tobacco control program.

There are two primary statewide tobacco control laws currently in place which control exposure to secondhand smoke and youth access to tobacco. Both are enforced at the local level. Labor Code (LC) Section 6404.5, also known as California's Smoke-free Workplace Law (see Appendix A), went into effect in 1995 and prohibits smoking in most public places of employment, including bars and restaurants. Penal Code (PC) Section 308(a) and (b) prohibits anyone from selling or providing tobacco to minors and prohibits minors from purchasing, receiving or possessing tobacco products (see Appendix B). A recent independent evaluation of California's tobacco control program indicated that most law enforcement agencies enforce PC 308(b) (youth possession) nearly twice as often as PC§308(a) (illegal retail sales). In 1998, 38 percent of law enforcement agencies surveyed stated they conducted merchant stings and 66 percent of enforcement agencies reported issuing at least one citation to a merchant for illegal tobacco sales. In contrast, 88 percent of law enforcement agencies reported they had issued at least one citation to minors for possession of tobacco. This imbalance is of concern because research has **not** demonstrated that youth citations for tobacco product possession are an effective tobacco use prevention intervention. However, multiple studies over the past decade have

demonstrated that unannounced retailer stings are the most effective activity to reduce the rate of illegal tobacco sales to minors. Therefore, enforcement of PC 308(b), youth possession, will **not** be funded through this RFA. See Appendix A for a copy of LC§6404.5 and Appendix B for a copy of PC§308(a).

A third state law, Business and Professions Code§22952, the Stop Tobacco Access to Kids Enforcement (STAKE) Act, is administered by CDHS, Food and Drug Branch (FDB). The STAKE Act contains several provisions which require: 1) the FDB to conduct ongoing retailer compliance checks for tobacco sales and assess civil penalties; 2) retailers must post age-of-sale warning signs at the point-of-sale; 3) tobacco wholesalers and distributors must report annually to CDHS/TCS the names of retailers to whom they supply tobacco; and 4) CDHS to conduct an annual scientific survey that assesses the statewide illegal tobacco sales rate. While statute allows local enforcement of the STAKE Act when agencies enter into a contract directly with the FDB, currently the FDB lacks sufficient funds to contract with local agencies for STAKE Act enforcement.

New statewide tobacco control laws went into effect in 2002 designating enforcement authority to local jurisdictions. Enforcement of those laws can be funded under this grant. The new laws are summarized below - the full text is available on pages 58-62 of this RFA and on the Internet at: www.leginfo.ca.gov/calaw.html.

1. Sale of Bidis (Penal Code§308.1, Senate Bill No. 322-Ortiz): Prohibits the sale, distribution, or importation of “bidis” (also known as “beedies”, defined as products containing tobacco wrapped in temburni leaf or tendu leaf) except at businesses that prohibit minors (see Appendix C).
2. Minimum Pack Size (California Penal Code§308.3, Senate Bill No. 757-Ortiz): Cigarettes may not be manufactured, distributed, sold, or offered for sale in packages of less than 20. Roll-your-own tobacco may not be manufactured, distributed, sold, or offered for sale in a package containing no less than 0.60 ounces (see Appendix C).
3. Playgrounds or Tot Lots (Health and Safety Code§104495, Assembly Bill No. 188-Vargas): Prohibits the smoking of tobacco products and the disposal of tobacco waste within a playground or tot lot sandbox area (see Appendix D).
4. Tobacco Product Samples and Coupons (California Health and Safety Code§118950, Senate Bill No. 757-Ortiz): State law previously prohibited the distribution of free or low-cost cigarettes or smokeless tobacco products (or coupons or rebate offers for such products) on public grounds, such as a state- or county-owned fairgrounds. This new law prohibits the distribution of free or low-cost tobacco products, coupons, coupon offers, and rebate offers on private grounds that are open to the public, such as race tracks or retail outlets (see Appendix E).
5. Self Service Cigarette Sales (California Business and Professions Code§22962, Senate Bill No. 757-Ortiz): Prohibits the sale or display of cigarettes through a

self-service display, which is an open display of cigarettes accessible to the public without clerk assistance (see Appendix F).

In addition to the tobacco control laws listed above, this grant will also fund enforcement of Business and Professions Code Section 25612.5(c)(7) (see Appendix G). This law requires that businesses with an off-sale premises license to sell alcoholic beverages limit their storefront advertising of any sort, including tobacco, to no more than one-third of the square footage of windows and glass doors.

Also, there are a myriad of local tobacco control ordinances. Most commonly, they restrict indoor and outdoor tobacco advertising, restrict outdoor smoking, require licenses or permits to sell tobacco, restrict self-service tobacco displays, and restrict tobacco sampling. Enforcement for these types of local tobacco control ordinances is permitted under this RFA.

C. Problem Statement

Reduction of exposure to secondhand smoke at California's worksites since the passage of LC§6404.5 has been tremendous. In 1999, 93.4 percent of adults reported no secondhand smoke exposure at work. However, nearly 32 percent of restaurant/bar workers report that they are still exposed to secondhand smoke in their workplace, suggesting enforcement of LC§6404.5 is still inadequate. While the majority of enforcement agencies issue warnings to bars, few issue citations. Rural counties encounter the greatest obstacles to enforcement, with the lowest perceived levels of compliance and the highest perceived levels of lack of support among the community and leaders. However, those agencies that collaborate with other community groups have increased enforcement efforts, as the collaboration process between local county health departments and enforcement agencies can strengthen the process of identifying violators and lead to greater enforcement success.

A recent survey of California key opinion leaders showed that 82 percent believe that businesses that do not comply with the smoke-free law for bars and restaurants should be fined. Also, nearly 70 percent agree that people who are caught smoking in bars and restaurants should be fined.

Illegal tobacco sales to minors continues to be a problem, as well. Even though California's illegal tobacco sales have dropped from 52.1 percent in 1994 to 17.1 percent in 2001, nearly half of all 10th graders report that it is easy for them to buy or obtain tobacco from stores. Furthermore, some surveys conducted within local county or city jurisdictions have shown illegal sales rates to be as high as 25 percent to over 40 percent. The highest rates of illegal tobacco sales are generated by non-traditional tobacco retailers, such as donut shops, followed by supermarkets, gas stations, and convenience stores. Studies show that as long as one retailer persists in selling tobacco to minors, an access of tobacco to youth remains open in the community, perpetuating the problem of youth tobacco addiction.

It has been strongly demonstrated through practical application, longitudinal tracking, and field studies, that the continued presence of enforcement is the most effective means of ensuring compliance with tobacco control laws. Agencies funded for tobacco control law enforcement

activities through this RFA will be an important component of California's overall comprehensive tobacco control program.

II. GENERAL GRANT APPLICATION INFORMATION

A. Who May Apply

1. California public non-profit organizations who have code enforcement authority over LC§6404.5, PC Section 308, Health and Safety Code§104495 and 118950, Business and Professions Code§22962, and local tobacco control ordinances, are eligible to apply for these funds. Current CDHS/TCS enforcement grant recipients are eligible to apply. California State governmental agencies are not eligible to apply.

Applicants are required to provide a copy of the statute or other document that grants authority to the applicant to enforce the tobacco control laws in the proposed application. This documentation may include, but is not limited to: a copy of the County Board of Supervisors' resolution, a copy of the County Board of Supervisors' Meeting Minutes, or a copy of the ordinance if the ordinance stipulates who has enforcement authority, etc. The documentation must clearly indicate that the applicant agency has the authority to enforce the tobacco control laws proposed in the application.

NOTE: ➤ PENAL CODE SECTION 830 STATES THAT POLICE DEPARTMENTS AND SHERIFF DEPARTMENTS HAVE THE AUTHORITY TO ENFORCE ALL STATE AND LOCAL LAWS. THEREFORE, POLICE AND SHERIFF DEPARTMENTS ARE EXEMPT FROM THIS REQUIREMENT.

**Agencies that do not demonstrate designated code enforcement authority at the time of application submission (June 27, 2002) are not eligible to apply.
Applications that are relying on contingency authority will not be accepted.**

2. Agencies may apply for funding to enforce multiple tobacco control laws in multiple jurisdictions; however, funding for multiple enforcement operations is not guaranteed. Award decisions will be based on a demonstrated need for enforcement activity and current efforts in that geographical area.
3. Agencies applying to enforce local tobacco control ordinances need to demonstrate that enforcement procedures, penalty structures, and prosecution procedures are in place and operational.

B. Grant Period and Funding Levels

1. Approximately \$3 million is expected to be available for this RFA to fund enforcement grants. Funding for this procurement is dependant on the available revenue in the Governor's Budget for fiscal year (FY) 2002-03 and subsequent years. There is no guarantee that funding will be available.
2. Funds awarded from this RFA shall not be used to supplant any existing position funding or expenditures; but are to be used to establish, increase, or enhance existing enforcement

activities of local and state tobacco control laws.

3. Grant awards are for a 33-month period beginning October 1, 2002 and ending June 30, 2005. **Applications must be for the entire 33-month period.** CDHS/TCS will have the option of renewing the grant for an additional two years if funds are available and the grantee has performed to the satisfaction of CDHS/TCS.
4. Grant awards are expected to average a total of \$100,000 to \$300,000 for the entire grant period depending upon the quality and quantity of enforcement operations proposed.
5. CDHS/TCS reserves the right to fund any or none of the applications submitted in response to this RFA. CDHS/TCS may also waive any immaterial deviation in any application. The CDHS/TCS waiver of any immaterial defect(s) shall not excuse an application from full compliance with the contract terms if a contract is awarded.
6. CDHS/TCS reserves the right to withdraw any award if an acceptable Enforcement Activities Plan (EAP), Budget, Budget Justification, and other CDHS/TCS required forms are not received by CDHS/TCS within 45 calendar days of being negotiated by CDHS/TCS and the awardee.
7. CDHS/TCS reserves the right to withdraw any award or negotiate the EAP of any proposed projects or proposed project components.
8. Expenses associated with preparing and submitting an application are solely the responsibility of the applicant agency and will not be reimbursed by CDHS/TCS.

C. In-Kind Contributions

Agencies funded by this RFA, and any subsequent subcontractors, are required to provide Indirect Expenses related to the project "in-kind". Therefore, CDHS/TCS will not reimburse indirect expenses for the funded agency, nor for any of the funded agency's subcontractors. The unreimbursed Indirect Expenses is a required "in-kind" contribution.

D. Application Submission Requirements

By submitting an application, all applicants agree that CDHS/TCS is authorized to verify any and all claimed information and to verify any references named in the application. All applications received by CDHS/TCS are subject to the provisions of the "California Public Records Act" (Government Code Section §6250 et seq.) and are not considered confidential after completion of the selection process.

1. Letter of Intent

For the purpose of planning the review process, all prospective applicants are to submit a letter notifying CDHS/TCS of their intent to submit an application. **One (1) signed letter of intent should be submitted by 5 p.m., Tuesday, May 28, 2002.** The letter of intent must be on the applicant's letterhead and state the following: the name and

number of the RFA under which the application will be submitted, the estimated budget request, and the tobacco control law(s) intended for enforcement.

E-mail documents will not be accepted. Mail or fax the letter of intent to:

ATTN: Lori Loftis
Tobacco Control Section
California Department of Health Services
P.O. Box 942732, MS #555
Sacramento, CA 94234-7320
FAX number (916) 327-5424

Clearly indicate **“Local Enforcement of Tobacco Control Laws RFA # TCS-02-101”** on the outside of the mailing envelope or FAX transmittal sheet.

2. Application

No exceptions will be made to these application instructions. Submit one (1) signed original (clearly marked "original"), six (6) copies of the entire application, and six (6) additional copies of the narrative. Clearly indicate **“Local Enforcement of Tobacco Control Laws RFA # TCS-02-101”** on the outside of the mailing envelope. **Applications must be received by 5 p.m., Thursday, June 27, 2002 at CDHS/TCS. Postmarks will not be considered.**

- Fax and E-mailed applications will not be accepted. It is the sole responsibility of the applicant to ensure that CDHS/TCS receives the required number of copies of the application by the above deadline.
- A late or an incomplete application will be considered non-responsive and will not be reviewed for funding.
- No changes, modifications, corrections, or additions may be made to the application once it is received.

Deliver completed applications to CDHS/TCS:

U.S. Postal Service (USPS) Delivery Address: If you submit an application through the USPS, either regular or priority mail, send the package to the following address:
(Private shipping companies DO NOT deliver to this address)

ATTN: Diane Hightree
Tobacco Control Section
California Department of Health Services
P.O. Box 942732, MS #555

Sacramento, CA 94234-7320
"Local Enforcement of Tobacco Control Laws"
RFA # TCS-02-101

Hand Delivery or Private Shipping Company Address: If you deliver in person or submit an application using a private shipping company (e.g., UPS or FedEx) use the street address below.

(The U.S. Postal Service WILL NOT deliver ANY mail to the street address, including priority mail.)

Tobacco Control Section
ATTN: Diane Hightree
California Department of Health Services
601 North 7th Street, MS #555
Sacramento, CA 95814
"Local Enforcement of Tobacco Control Laws"
RFA # TCS-02-101

For street directions, access the CDHS/TCS website at <http://www.dhs.ca.gov/tobacco>.

3. RFA Bidders' Conference

The RFA Bidders' Conference is scheduled for the purpose of answering questions directly related to the RFA requirements.

BIDDERS' CONFERENCE
Friday, May 17, 2002
9 a.m. – 12 p.m.
Continental Plaza Auditorium
601 North 7th Street
Sacramento, CA 95814

E. Application Review Process

1. Review for Compliance with Mandatory RFA Requirements

Applications will be date and time stamped upon receipt at CDHS/TCS. Each application received by CDHS/TCS by 5 p.m. on Thursday, June 27, 2002, will be reviewed for compliance with the requirements provided in this document. Applications that do not comply with the requirements will be considered non-responsive and will be excluded from the review. Omission of any required document or form, failure to use required formats for response, or failure to respond to any requirement may lead to rejection of the application prior to the review. CDHS/TCS may waive any immaterial deviation in any application; however, this waiver shall not excuse an application from full compliance with the contract terms if a contract is awarded. **LATE, INCOMPLETE, OR NON-COMPLIANT APPLICATIONS WILL BE REJECTED.**

2. Application Review

Each application that complies with the mandatory requirements will be evaluated and scored by a review committee on a scale of 0 to 100 points. The review committee may include representatives from Local Lead Agencies (LLAs), Competitive Grantees, voluntary health organizations, Regional Community Linkages, Ethnic Networks, law enforcement agencies, and/or CDHS/TCS. Applications receiving a score of 75 points or more will be considered for funding; however, due to potential funding limitations, there is no guarantee that scoring 75 or above will result in funding or funding at the level requested.

The maximum point value of each section is as follows:

Narrative	15 points
Coordination	5 points
Applicant Capability	25 points
Enforcement Activities Plan	30 points
Budget and Budget Justification	20 points
Cost Per Enforcement Activity Worksheet	<u>5 points</u>
	100 points

3. Notification of Decision

Each applicant, whether selected for funding or denied, will be notified in writing of the funding decision. Applicants may receive, upon written request to CDHS/TCS, the consensus review tool summary page for their application which provides the score and overall strengths and weaknesses of their application.

4. Contract Negotiation

Following the award notification, contract negotiations will occur with the potential contractor in a timely manner. CDHS/TCS reserves the right to reject any proposed project(s) or project component(s). Following contract negotiations, the contractor is required to submit an EAP, Budget, and Budget Justification in accordance with CDHS/TCS requirements, which will become part of the formal grant. Upon completion and approval of these documents, the grant will be fully executed and work will commence.

F. Appeals Process

Only those agencies that submit an application consistent with the requirements of this RFA and are not funded may appeal. There is NO appeal process for applications that are submitted late or that are submitted incomplete. Applicants may not appeal based on their funding level. Appeal letters based on the final application selection must be received **no later than 5 p.m. on Monday, July 29, 2002, at the address indicated below**. E-mail transmitted documents WILL NOT BE ACCEPTED. Appeals shall be limited to the grounds that CDHS/TCS failed to correctly apply the standards for reviewing your agency's application

in accordance with this RFA.

The appellant must file a written appeal, which includes the issue(s) in dispute, the legal authority or other basis for the appellant's position, and the remedy sought. Incomplete appeals will be rejected. Appeals must be mailed or faxed to:

Donald O. Lyman, M.D., Chief
Division of Chronic Disease and Injury Control
Department of Health Services
P.O. Box 942732, MS #504
Sacramento, CA 94234-7320
Fax number: (916) 327-5424

At his sole discretion, the Chief of the Division of Chronic Disease and Injury Control or his designee, may hold an appeal hearing with each appellant and then come to a decision. That decision can be based on either the combination of the written appeal letter and the evidence presented at the hearing, or based on the written appeal letter if no hearing is conducted. The decision of the Chief of the Division of Chronic Disease and Injury Control or his designee shall be final. There is no further administrative appeal. Appellants will be notified of decisions regarding their appeal in writing within fifteen (15) working days of their hearing date or the consideration of the written appeal letter, if no hearing is conducted.

G. Tentative Timelines

May 9, 2002	Release of RFA
May 17, 2002	Bidders' Conference in Sacramento
May 28, 2002	Letters of Intent due to TCS
June 27, 2002	Applications due to TCS no later than 5 p.m.
July 22, 2002	Award decisions announced
July 29, 2002	Appeals due to TCS no later than 5 p.m.
August 2, 2002	Appeal Hearings
October 1, 2002	Contract period begins
June 30, 2005	Contract period ends

III. ADMINISTRATIVE AND PROGRAM EXPECTATIONS

A. Administrative Expectations

1. Grantees (funded agencies) are to expend funds in accordance with the negotiated line item budget. If changes in line items, salary ranges, or staffing patterns need to be made, the grantee must request a budget revision or a grant amendment depending on what in the budget needs to be changed. It is up to the discretion of CDHS/TCS whether or not to approve the requested budget revision or grant amendment.
2. Grantees are reimbursed in arrears for actual expenses, which means the agency incurs expenses and is then reimbursed by CDHS/TCS. The grantee submits a monthly invoice for expenses incurred in the previous 30 days and then the State has up to 45 days to pay the approved invoice. The grantee must be able to cover at least 45 to 60 days' worth of project expenses prior to reimbursement from the State. Additionally, grantees are to submit invoices to CDHS/TCS in a timely manner to ensure: a) prompt payment of expenses; and b) cash flow maintenance.
3. The agency must be aware that it is legally bound to deliver the services as stated in the EAP. If changes need to be made, the grantee must contact CDHS/TCS to discuss the issue and request an EAP revision or a grant amendment. It is up to the discretion of CDHS/TCS whether or not to approve the request. **If grant deliverables, including tracking system reports, are not completed satisfactorily, CDHS/TCS has the authority to withhold and/or recover payment of funds.**
4. Grantees are to maintain accounting records that reflect actual expenditures, including, but not limited to: accounting books, ledgers, documents, payroll records, including signed timesheets, etc., following standard accounting practices and procedures, and that properly reflect all expenses related to this grant, both direct and indirect. These records shall be kept and made available for three (3) years from the date of the final grant payment.
5. Grantees are to obtain an annual single organization-wide financial and compliance audit. CDHS/TCS will reimburse the grantee for its proportionate share of the audit expense.
6. Grantees are required to obtain prior approval from CDHS/TCS before they are reimbursed for any purchase order, subcontract, or consultant agreement costing \$5,000 or more. Three (3) competitive bids may be required as well as other documentation of the bid process. The proposed subcontract or consultant agreement must be submitted to CDHS/TCS for approval prior to reimbursement of such expenses.
7. Grantees are to be aware that travel and per diem rates must not exceed those amounts paid to State non-represented employees. Refer to Appendix M for travel reimbursement rates. Additionally, out-of-state travel is not reimbursable without prior written approval by CDHS/TCS.

8. Grantees and all subcontractors are to be aware that the State shall be the owner of all rights, title, and interest in, but not limited to: the copyright to any and all Works created, produced, or developed under a grant funded from this RFA, whether published or unpublished. Appendix H contains the specific language that will be incorporated into the boilerplate language of the grant funded by CDHS/TCS. If successful in your application, you must comply with the copyright and ownership of materials language. Review Appendix H carefully. Changes to this language will **not** be negotiated at any time during the RFA process nor with the funded applicant.
9. Grantees are to be aware that CDHS/TCS may withhold payment of invoices for lack of documented and/or timely progress, as well as any apparent non-compliance with contract requirements.

B. Program Expectations

1. Grantees will be required to submit tracking system reports every six (6) months that summarize the number and geographic location of compliance checks completed, citations issued, and the outcome. A web-based enforcement database is being developed and is expected to be available for the submission of electronic reports to CDHS/TCS starting in December 2002. Funded agencies are being asked to be prepared to use Microsoft Access in the event the web-based system is not completed as expected.
 - a. Grantees should plan for the necessary administrative time that will be required to not only set up this program at the start of the grant period, but also the on-going administrative time that will be required throughout the term of the grant.

The administrative time spent on starting a new program or adding a new component to an existing program can be considerable and somewhat difficult to incorporate into current workloads. Therefore, grantees should be prepared to spend considerable time at the beginning of the grant term to set up the new enforcement program.

- b. The type of activities involved in establishing a new program may include, but are not limited to:
 - 1) hiring and training new personnel;
 - 2) purchasing new equipment;
 - 3) acquiring additional office space (if necessary);
 - 4) working with your administrative and management offices such as human resources, fiscal services (accounting and budget) offices to hire new staff;
 - 5) establishing new cost centers; and
 - 6) developing enforcement protocols, etc.

In addition to the above administrative requirements, grantees will also be required to:

- 1) attend CDHS/TCS required trainings;
- 2) develop enforcement protocols;
- 3) identify or refine establishment/inspection site lists; and
- 4) recruit and train youth operatives [if enforcing PC§308(a)].

The above items are by no means comprehensive; they are provided as examples only.

c. The type of on-going administrative activities include, but are not limited to:

- 1) preparing agency reports;
- 2) preparing CDHS/TCS-required reports, including a status report of the first 3-month startup activities;
- 3) entering enforcement/site inspection information into CDHS/TCS web-based reporting system;
- 4) attending CDHS/TCS-required meetings and teleconferences;
- 5) responding to CDHS/TCS communications;
- 6) accessing CDHS/TCS' electronic communications system; and
- 7) submitting invoices on a regular and timely basis.

Current CDHS/TCS funded enforcement grantees report that they spend four to five hours per week on these types of administrative activities. The administrative time can increase immediately before and after enforcement activities.

2. Grantees enforcing LC§6404.5 and PC§308(a) will be required, within the first 90 days of the contract, to attend a training on enforcement of LC§6404.5 and PC Section 308(a). The training will be coordinated by CDHS/TCS in conjunction with designated law enforcement trainers and other TCS funded projects.
3. Grantees enforcing LC§6404.5 and PC§308(a) will be required to conduct compliance checks related to LC§6404.5 and PC§308(a) and other relevant tobacco control laws in accordance with uniform protocols. Some of the protocols include:
 - a. Youth operatives attempting to purchase tobacco must be between the ages of 15- to 17-years-of-age, properly trained and supervised.
 - b. Adequate documentation will be required for recording information during compliance check operations.
 - c. Operations must concentrate on issuing citations, rather than issuing warnings, to increase the deterrent effect. The issuance of warnings is not the intent of this grant.
 - d. Operations will be conducted at optimal violation times (e.g., during lunch, after 3 p.m., and weekends for illegal tobacco sales; after 7 p.m. for Labor Code violations).
 - e. Operations shall be conducted in a manner which minimizes retail/business "tip off"

activities.

- f. Bars or tobacco retail outlets that are issued citations should be visited more than once.
- g. Citations issued to businesses must include an owner notification procedure if the citation was issued to an employee or non-owner of the establishment. This must take place after the undercover operation is completed.
- h. Youth operatives shall appear and act as typical youth attempting to purchase tobacco, including their responses to questions regarding age or identification.
- i. Advance notice to businesses regarding scheduled compliance checks is not permitted.

Further information regarding protocols can be found in Appendix I and I and will be discussed with grantees during the contract negotiation process and the mandatory CDHS/TCS trainings.

- 4. Grantees will need to establish a minimum and maximum number of compliance checks that will be conducted for each six-month reporting period. This is to ensure that there is a law or code enforcement presence in the community on a regular basis, which increases the likelihood of ongoing compliance. The minimum and maximum amounts for each grantee will be negotiated with CDHS/TCS and tracked through the CDHS/TCS database system. For HS 104995, grantees will need to establish a minimum number of hours of patrolling and the frequency in which they will visit each park.
- 5. CDHS/TCS may withhold or recover funds for unmet deliverables. At the end of the grant term, CDHS/TCS will determine whether or not the Grantee's deliverables, such as compliance checks and Progress Reports, have been completed satisfactorily and/or in their entirety. The pro-rata portion of the unmet deliverable will be applied toward the overall grant award and may result in either CDHS/TCS withholding funds from the final payment and/or recovering funds from the Grantee.

C. What Will Not Be Funded

The following will not be funded:

- 1. Enforcement operations that cite youth for tobacco possession under PC 308 (b) or similar local ordinances. Please refer to the explanation provided in paragraph B., Background, on Page 1 of this RFA.
- 2. Costs related to prosecuting violations. This RFA is designed to fund enforcement operations only and not the subsequent costs incurred beyond issuance of a citation.
- 3. Enforcement of local tobacco control ordinances that do not contain clear enforcement

procedures and penalty structures that are in place and operational.

4. Applications submitted with the contingency that the applicant will be granted enforcement authority at some future date. All agencies submitting an application must possess enforcement authority at the time their application is submitted to CDHS/TCS (June 27, 2002).
5. The indirect expenses of the funded agency or any subsequent subcontractor. The unreimbursed indirect expenses will be the required in-kind contribution.
6. Applications with an emphasis on educational activities. The intent of this grant is to generate increased enforcement of tobacco control laws. Applicants should therefore limit educational efforts, such as signage posting and community presentations, to adjunct activities at no more than 5 percent of the funding amount requested.

IV. APPLICATION INSTRUCTIONS

A. General Instructions

1. **READ ALL INSTRUCTIONS CAREFULLY.** Be sure to include all of the information required in this RFA, including all attachments and copies. Re-check the application to ensure completeness.
2. **DO NOT PROVIDE ANY MATERIALS THAT ARE NOT REQUESTED.** Any materials submitted that are not requested under this RFA will be discarded prior to application review, including pages that go over the maximum number in specified sections with page limitations.
3. Number each page of the application consecutively.
4. The type font size is to be no less than 12 characters per inch.
5. Do not use folders and binders; securely staple the application in the upper left corner.
6. Clearly indicate “Local Enforcement of Tobacco Control Laws RFA # TCS-02-101” on the outside of the mailing envelope.
7. Attachments 1, 7, and 8 require a signature by the person authorized to legally bind the applicant agency to the commitment outlined in the application. **Allow time to obtain these required signatures.**
8. Present the components of the RFA in the order listed below using the instructions provided on subsequent pages to complete each area.
 - a. Application Cover Sheet (Attachment 1)
 - b. Application Checklist (Attachment 2)
 - c. Table of Contents (Attachment 3)
 - d. Narrative (No Attachment) **6-page maximum**
 - e. Coordination
 - ☞ Communication with CDHS/TCS Local Lead Agency Form (Attachment 4)

- f. Applicant Capability (No Attachment) **4-page maximum** (not including Letters of Reference)
 - 1) Enforcement Experience
 - 2) Administrative/Fiscal Experience
 - 3) Equipment
 - 4) Letters of Reference (2 required)
- g. Enforcement Activities Plan (Attachment 5)
- h. Budget (No Attachment)
- i. Budget Justification (No Attachment)
- j. Cost Per Enforcement Activity Worksheet (Attachment 6)
- k. Drug-Free Workplace Certification (Attachment 7)
- l. Agency Documentation Requirements (Attachment 8)
- m. Enforcement Authority Documentation (No Attachment)

NOTE: ➤ DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE PERSON AUTHORIZED TO BIND THE APPLICANT AGENCY. READ THE DOCUMENTS AND ALLOW TIME TO OBTAIN THE REQUIRED SIGNATURE.

☞ DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE LLA IN YOUR JURISDICTION.

B. Application Cover Sheet (Attachment 1)

- Item 1: Enter the **legal agency** name of the applicant. Enter the mailing address, which will appear on any subsequent agreement. Enter the name of the county in which the applicant's headquarters is located. Enter the name of the primary person to be contacted regarding this application, the phone number, the fax number, and e-mail address. Enter the federal identification number of the applicant.
- Item 2: The grant term, 10/01/02 to 06/30/05, has been entered.
- Item 3: Enter the budget amount requested for the **entire** grant term.
- Item 4: Indicate the location/geographic coverage of the project.
- Item 5: Indicate the tobacco control law(s) your agency proposes to enforce. If proposing to enforce a tobacco control law other than those listed, please provide the statute

number and a brief description of the law.

Item 6: Identify the estimated number of compliance checks to be conducted during the contract period.

Item 7: The applicant official authorized to sign on the agency's behalf must sign and date the certification statement provided. Also print the name and title of this official.

C. Application Checklist (Attachment 2)

The items included on the checklist are **required** to be submitted as part of the application and must be presented in the order noted. **If any of the items are omitted from the application, the application will be considered incomplete and out of compliance with this RFA and will not be reviewed.** Complete the attached application checklist to ensure that all application attachments and required components are included.

D. Table of Contents (Attachment 3)

Applications must have a Table of Contents with page numbers referenced. Application sections must be presented in the sequence shown on the Application Checklist (Attachment 2).

E. Narrative (No Attachment) 6-page maximum = 15 points

Criteria

Funding preference will be given to those applicants that most closely address the criterion below:

1. Identify the geographic locations (e.g., cities, unincorporated county areas, enforcement jurisdictions, parks, etc.) where enforcement activities will be conducted for each tobacco control law to be enforced.
2. Provide relevant demographic, geographic, and political/cultural characteristics of the community(ies) in which enforcement activities will be conducted.
3. Demonstrate the need for enforcement of tobacco control laws by describing known problems within the community and barriers to enforcement.
4. Identify current resources dedicated to local enforcement of tobacco control laws, or indicate if this would be the first time in the community that funding was dedicated to tobacco law enforcement activities.
5. Identify adjunct activities to support enforcement, such as posting of signage, outreach to businesses, etc.

Instructions

Using no more than six (6) pages, prepare a narrative section that provides the following information:

1. Describe the relevant demographic, geographic, and political/cultural characteristics of your community(ies), such as:
 - a. racial/ethnic composition of your community;
 - b. major population centers; and,
 - c. urban/rural characteristics.
2. Identify the geographic locations where enforcement activities will be conducted for each law to be enforced such as: cities, unincorporated county areas, enforcement jurisdictions, parks, etc.
3. Demonstrate the need for enforcement of tobacco control laws by describing known problems within your community(ies) and barriers to enforcement. Cite any known local compliance rates related to either illegal sales to youth, compliance with the Smoke-free Workplace Law in bars and restaurants, or other relevant data. Some of this information can be obtained from your local tobacco control program, which is administered by your local county or city health department (known as LLAs). A complete listing of the LLA Project Directors – Tobacco Control Programs can be found on the CDHS/TCS website: <http://dhs.ca.gov/tobacco>. Review this document for information on the LLA in your geographic area.
4. Identify if current resources are dedicated to local enforcement of tobacco control laws or clearly indicate if this would be the *first time* in your community that funding was dedicated to tobacco law enforcement activities. If your agency does currently enforce tobacco control laws, briefly summarize:
 - a. Where operations (or park patrolling for HSC§104495) have taken place;
 - b. Frequency of operations (or park patrolling for HSC§104495);
 - c. The protocols used to conduct operations (or park patrolling);
 - d. The outcomes (rates of compliance, number of successful prosecutions, legal issues); and,
 - e. Level of community and administrative support.
5. Describe adjunct activities to enforcement such as, posting of signage, outreach to

business communities by law enforcement agency, etc.

F. Coordination = 5 points

Criteria

Funding preference will be given to those applicants that most closely address the criterion below:

- ☞ • Demonstrate that adequate communication took place with each relevant LLA(s) (i.e., local health department tobacco control program) regarding potential coordination or collaboration.

Instructions

Follow the instructions for completing Item 1 below.

1. Communication with CDHS/TCS LLA Form (Attachment 4)

- a. The purpose of the “Communication with CDHS/TCS Local Lead Agency Form” is to confirm that applicants discussed their application with the appropriate LLAs (i.e., local health departments). Applicants should discuss current status of enforcement efforts, anticipated challenges or barriers, and ways to create or increase collaboration between the enforcement agency and the LLA. Communication and requests for signatures must occur before applicants begin to write their applications.
- b. Completed forms must be included in the application. Completed forms sent separately from the application will not be reviewed. A complete listing of the LLA Project Directors – Tobacco Control Programs can be found on the CDHS/TCS website: <http://dhs.ca.gov/tobacco>. Review this document for information on the LLA in your geographic area.
- c. The “Communication with CDHS/TCS Local Lead Agency Form” is to be completed by each LLA that will be part of the service area for the proposed enforcement activities.
- d. In the narrative section of this form, the LLA will be asked to describe current and past collaboration efforts with the applicant agency, if any. Collaboration between LLAs and law enforcement agencies can strengthen the process for identifying violators. In those communities with greatest compliance, a working relationship between law enforcers and the LLA or other CDHS/TCS-funded tobacco control programs is almost always the key to success.

G. Applicant Capability (No attachment) 4-page maximum = 25 points (not including Letters of Reference)

Criteria

Funding preference will be given to those applicants that most closely address the criterion below and reflect the administrative and program expectations established in pages 10-14 of the RFA:

1. Demonstrate the agency's enforcement code authority regarding the tobacco control laws targeted for operations. (As stated on page 4, police and sheriff departments are exempt from this requirement.)
2. Describe the applicant's experience in conducting enforcement operations for tobacco control or similar laws.
3. Describe applicant's previous training for enforcement of tobacco related laws or those using minor decoys.
4. Describe collaboration with local Proposition (Prop) 99-funded community programs or the FDB STAKE Act program.
5. Demonstrate the applicant's capability and resources to ensure timely start-up and implementation of enforcement activities.
6. Demonstrate the qualifications of key enforcement personnel and their previous experience with these types of enforcement activities.
7. Demonstrate the applicant's ability to manage and perform administrative activities such as payroll, bookkeeping, invoicing, and general tracking of administrative and fiscal controls and internal audit history.
8. Describe the surveillance, computer, and office equipment the applicant has available for use in this project.
9. Include two (2) letters of reference, one of which must be from a prosecuting agency confirming that violations of tobacco control laws will be prosecuted. Attach the letters immediately following the agency capability narrative.

Instructions

Using no more than four (4) pages, address your agency's enforcement experience, administrative/fiscal experience, and equipment. Attach two (2) letters of reference immediately following the applicant capability narrative.

1. Enforcement Experience

- a. Cite the agency's enforcement code authority regarding the tobacco control laws targeted for operations and cite the statute or other document granting your agency the authority to enforce tobacco control law(s). (As stated on page 4, police and sheriff departments are exempt from this requirement.)
- b. Describe the applicant's experience in conducting enforcement operations for tobacco control or similar laws. Include time periods, statutes, number of investigations, citations and resulting prosecution.
- c. Describe applicant's previous training regarding enforcement of tobacco related laws or those using minor decoys.
- d. Describe collaboration with local Prop 99-funded community programs or the FDB STAKE Act program.
- e. Describe the applicant's capability and resources to ensure timely start-up and implementation of the enforcement activities. Describe how these operations will be integrated into the agency's organizational and workload structure (e.g., will these enforcement operations be given the appropriate priority; will enforcement officers be working overtime; will the legal system support violation fines and prosecutions).
- f. Describe the qualifications of key enforcement personnel and their previous experience with these types of enforcement activities. **Do not attach resumés.**

2. Administrative/Fiscal Experience

- a. Describe the applicant's ability to manage and perform administrative activities such as payroll, bookkeeping, invoicing, and general tracking of administrative and fiscal controls. Describe the qualifications of key fiscal staff, including a description of the staff's experience with monitoring government grant funds. **Do not attach resumés.**
- b. Describe the applicant's financial audit **history** in the past two years.

3. Equipment

Describe the surveillance, computer, and office equipment the applicant has available for use in this project. Include in the description:

- a. The quantity and type of equipment available, such as: surveillance equipment (e.g., mobile radios, cameras, video tape recorders and monitors, audio tape recorders, microphones, etc.), personal computers, printers, desks, chairs, facsimile machines, etc.;

- b. Whether or not the computers have modems and communications software;
- c. The software packages your agency uses for word processing, spreadsheets, databases, etc.;
- d. The ability to operate a Microsoft Access database; and,
- e. Approximately when the computer equipment was purchased.

4. Letters of Reference

Solicit and include two (2) letters of reference and attach them immediately following the applicant capability narrative. One of these letters must be from an agency responsible for prosecuting the statute(s) the applicant is proposing to enforce, stating that agency's intent to prosecute tobacco related law violations. Number these letters consecutively as part of the application. Letters are to be submitted with the application package. Letters sent directly to CDHS/TCS separately from the application package and/or after the application package has been submitted to CDHS/TCS **will not** be accepted. The letters of reference are to include the following:

- a. A description of the capacity in which the reference worked with the applicant.
- b. The applicant's experience in conducting enforcement operations related to tobacco control or similar laws.
- c. The applicant's fiscal and administrative ability to manage government grant funds, including submission of reports and general compliance with funding agency policies.
- d. Stated support from the prosecuting agency to actively pursue legal action against those businesses or individuals cited.
- e. Be on the reference agency's letterhead and should include the address, telephone number, name, and title of the letter's author.

H. Enforcement Activities Plan (Attachment 5) = 30 points

The EAP provides the basis for grant negotiations and, along with the Budget, becomes a legally binding document. The approved EAP and any subsequent revision is incorporated and made part of the grant. The EAP can only be changed with prior approval from CDHS/TCS.

The Budget and Budget Justification should closely correspond to the EAP. For example, the number of inspections or frequency of park patrolling proposed during the grant period should match the funding requested.

Criteria

Funding preference will be given to those applicants that most closely address the criterion below:

1. Provide all the required information and the details necessary to make the proposed enforcement activities clear.
2. Clearly demonstrate how enforcement procedures will be conducted.
3. Propose a reasonable number of inspections or frequency of patrolling (HS§104995 only) to be conducted during the grant term given the geographic area where enforcement activities will take place.

Instructions

1. For **each** statute proposed for enforcement under this RFA, complete an EAP.
2. Agency Name: Indicate the legal name of your agency.
3. Grant Number: Leave blank.
4. Statute Title and Number: Identify the legal designation for the law and the formal and/or popular title of the law.
5. Statute Description: Explain the details of the law including jurisdiction, key elements, intent, and limitations.
6. Statute Penalty Structure: List the fine schedule levied for each successive citation issued.
7. Target Area for Proposed Enforcement: Identify the geographic area(s) in which enforcement activities will take place.
8. Estimated Rate of Non-Compliance with the Statute: Identify any current or past local compliance rates related to illegal sales to youth, compliance with the Smoke-free Workplace Law in bars and restaurants, citations issued or complaints received regarding smoking in park playgrounds and tot lots, or other relevant data. List the dates for the data being cited. If this information is not available through your agency, refer to Item 3 on Page 18 for further information on how to obtain local compliance rate data.
9. Estimated Number of Establishments or Inspection Sites in the Target Area: Identify the number of bars, tobacco retailers, parks, etc., in the geographic area(s) to be served.

10. Range of Inspections to be Conducted During Each Six-month Reporting Period: For each six-month reporting period, provide a minimum and maximum range for the number of inspections or checks to be conducted (e.g., 150-175), or, a minimum and maximum range for the number of parks to be visited.
11. The first three (3) months of the grant term, October 1, 2002 to December 31, 2002, will be for preparation activities, including attending a required CDHS/TCS training, inspection protocol development, identifying or refining establishment/inspection site lists, and recruiting and training youth operatives. CDHS/TCS requires that the issuance of citations begins January 1, 2003. The first reporting period begins January 1, 2003.
12. Indicate the date that enforcement activities are expected to begin.
13. Describe Enforcement Procedures: Provide detail regarding current or proposed enforcement related activities.
 - a. How inspection or patrolling protocols will be maintained and updated;
 - b. How establishment or inspection sites will be identified;
 - c. How repeat violators or problem parks will be monitored and targeted;
 - d. How youth operatives will be recruited, trained and retained for service (if applicable);
 - e. How citations will be prosecuted (informational only; CDHS/TCS will not fund this);
 - f. Describe if and how subcontractors and consultants, educational materials, promotional items, incentives, media, public relations, advertising, and training will be used (see pages 34-35 for a description of these items).

I. Budget and Budget Justification (Appendices K and L) = 20 points

This section provides information and instructions on the Budget and Budget Justification that must be included in your application.

Funds awarded from this RFA shall not be used to supplant any existing positions, funding, or expenditures, but are to be used to increase existing enforcement activities of local and state tobacco control laws.

Funding Criteria

Funding preference will be given to applicants that:

1. Submit reasonable Budgets for the proposed quality and quantity of activities in the EAP.

2. Submit budgets that are reasonable, but which will also cover the expenses identified in the EAP (e.g., staff, subcontractors/consultants, mini-grants, educational materials, promotional items, incentives, etc.) and not lead to large budget gaps.
3. Propose reasonable personnel costs, given the qualifications of the individuals and needs of the project.
4. Provide the level of detail requested in the Budget and Budget Justification instructions.
5. Provide a Budget Justification that describes and justifies the expenditures (staff, overtime, stipends, fiscal budget, operating expenses, equipment, training, travel, subcontracts/consultants) associated with the activities in the EAP.
6. Submit Budgets which include considerations for programmatic and/or administrative needs and changes (such as fluctuations in staffing and training).

Instructions

1. Budget Instructions
 - a. The Budget is a summary of the expenses described in the Budget Justification. It must be realistic, cost-effective, and appropriate to the proposed EAP. The Budget is the controlling mechanism for expenditures and the basis for approval of invoices.
 - b. The Budget must reflect individual budgets for each FY within the grant term (e.g., 10/01/02-06/30/03, 07/01/03-06/30/04, and 07/01/04-06/30/05). Use only whole numbers and round to the nearest dollar. Please refer to Appendix K for the required Budget format.
 - c. Once approved, the Budget will be incorporated into the grant and becomes a legally binding document

The Budget consists of seven (7) categories:

- 1) Personnel Costs
- 2) Fringe Benefits
- 3) Operating Expenses
- 4) Equipment Expenses
- 5) Travel/Per Diem and Training
- 6) Subcontracts and Consultants
- 7) Other Costs

Indirect expenses of the funded agency, or any subsequent subcontractor will not be reimbursed. The unreimbursed indirect expenses will be the required in-kind contribution.

2. Budget Justification Instructions

a. The Budget Justification:

- 1) Describes and justifies the expenditures associated with the activities in the EAP;
and
- 2) Helps evaluate the EAP and Budget.

Prepare one (1) Budget Justification for the entire grant term. Use only whole numbers and round to the nearest dollar.

The amounts in the Budget and Budget Justification must match. Please refer to Appendix L for the required Budget Justification format. This format is required to maintain a standardized review and audit trail.

- b. When preparing the Budget Justification, take into consideration changes that may occur due to programmatic or administrative needs. For example, the number of staff may increase/decrease as the program intensity fluctuates (the number of trainings per year may fluctuate, etc.).
- c. When preparing the Budget Justification, be sure to include monies to cover the activities identified in the EAP. Due to the limited funding available for this RFA, no additional funds will be available for budget gaps (expenses required for the project, but not included in the Budget).

Personnel Costs

This category of the Budget Justification provides detail on the following:

1. Position Title

List all classifications or functional titles for positions for this grant. Management and fiscal personnel must not be included in the Personnel Costs category, but are to be covered by the agency's in-kind indirect expenses.

2. Salary Range

Indicate the actual salary range for each position based on the full-time salary, regardless of the actual time-base budgeted. Each salary range should allow for anticipated salary increases (e.g., merit salary adjustments, cost of living adjustments, bilingual pay, etc.) through the end of the grant term. Additionally, employee leave is to be included in the salary paid to the employee. Employee leave includes holidays, annual leave, vacation, sick leave, jury duty, military, etc.

Programs will be reimbursed for the actual time worked on the project, at the actual salary rate paid to the employee, as long as the salary rate is the same as that paid to other employees in the same classification who perform comparable duties.

3. Percent of Time

For each position, indicate the percent of time to be worked for each pay period, use whole numbers, (e.g., 15 percent per semi-monthly pay period). If the position is paid

on an hourly basis, then indicate the estimated number of hours to be worked each pay period (e.g., 12 hours per month). If the amount of time varies from month to month, then indicate a range (e.g., 15-20 percent per semi-monthly pay period, or 12-20 hours per semi-monthly pay period).

4. Pay Periods

Indicate the frequency and the number of pay periods for which payment shall be claimed each FY. The pay periods identified in the Budget must conform to the frequency your agency pays its employees. Pay periods are defined as follows:

- a. Monthly = 12 pay periods per year
- b. Semi-monthly = 24 pay periods per year
- c. Bi-weekly = 26 pay periods per year
- d. Weekly = 52 pay periods per year
- e. Hourly = "x" number of hours per year

5. Amount Requested

Calculate and list the Amount Requested for **each** FY for each position. The amount requested is to be determined with the following formula:

Salary x percent of time x number of pay periods = Total Salary

For example:

\$1,500 x 20% x 24 semi-monthly pay periods = \$7,200/year

NOTE: ➤ THE TOTAL SALARY BUDGETED FOR EACH FY HAS TWO RESTRICTIONS:

- a. The **total salary cannot be less than** the amount computed by multiplying the lowest amount of the salary range x the lowest percentage of time x the lowest number of pay

periods.

AND

- b. The **total salary cannot be more than** the amount computed by: multiplying the highest amount of the salary range x the highest percentage of time x the highest number of pay periods.

6. Description of Duties

Provide a summary of the responsibilities for each position.

7. Overtime Expenses

- a. Overtime expenses are reimbursable for the actual overtime worked on the project, at the actual overtime rate paid to the employee.
- b. If applicable, provide an overtime line item. List each position, the estimated number of overtime hours to be worked, the overtime salary rate, and the total amount budgeted for overtime for each FY.

8. Stipends

NOTE: ➤ DEPENDING ON YOUR AGENCY'S REQUIREMENTS, THE STIPEND BUDGET MAY BE PLACED EITHER IN THE OTHER COSTS CATEGORY OR THE PERSONNEL CATEGORY, BUT NOT IN BOTH CATEGORIES.

If your agency is proposing to enforce youth purchase laws, such as PC§308(a), then stipends may be used to reimburse youth for their participation in the enforcement activities. Use this line item to budget for the stipends. Use the appropriate stipend rate allowed by your agency, indicate the estimated number of youth that your program will be using, and the number of hours worked for each student for each FY.

For example:

10 youth at \$6.25 per hour x 30 hours per youth/month x 6 months = \$11,250.

Total Personnel Costs

Add the amount budgeted for each position, including overtime and stipends, if applicable, to compute the Total Personnel Costs for each FY and the grant term.

Fringe Benefits

Fringe benefits may be included in a lump sum amount for each FY.

Fringe Benefits reimbursements are based on a percentage of Total Personnel Costs, **excluding overtime and stipend expenses**. Additionally, Fringe Benefits **do not** include

employee leave (e.g., holidays, annual leave, vacation, sick leave, jury duty, military, etc.). Employee leave is to be included in the salary paid to the employee.

List the benefits your agency provides. Indicate the percentage rate and the dollar amount requested for Fringe Benefits for each FY. If the percentage rate for benefits differs for various positions, indicate the low and high range (e.g., 20-25 percent).

Total Personnel Expenses

Add the Total Personnel Costs and Fringe Benefits to compute the Total Personnel Expenses for each FY and the grant term.

Operating Expenses

1. General Expenses

- a. Office Supplies refer to general supplies such as pens, pencils, paper, etc.
- b. Postage includes all mailing expenses.
- c. Duplicating refers to photocopying expenses or reproduction costs of printed materials for small office jobs. This sub-line item also includes the tobacco project's share of the applicant's copy machine usage and costs for copier maintenance agreements and copier supplies.

2. Communications

Communications refer to the monthly charges and installation costs associated with the telephone system. This may also include costs for FAX lines and Internet access. However, CDHS/TCS does not reimburse expenses associated with cell phones.

3. Printing

Printing refers to the reproduction costs for items usually completed by outside vendors, such as: citations, training guides, business cards, brochures, etc.

4. Space Rent/Lease

Square footage shall not exceed 150 square feet per full-time equivalent (FTE) plus "reasonable" square footage for shared space such as: conference rooms, storage space, etc. Provide the total number of square feet and the budgeted amount to be charged to this grant. Consider any rate increases during the grant term.

Example:

2 100% FTE staff x 150 sq ft x \$1.25/sq ft x 9 mo = \$ 3,375 (1st year)
2 100% FTE staff x 150 sq ft x \$1.35 sq ft x 24 mo = \$ 9,720 (2nd and 3rd year)

mos.

5. Equipment Rental

List all rental equipment, quantify each item, and provide for each item the monthly rental rate, number of rental months, and the approximate dollar amount.

Expenses associated with the rental of vehicles used during enforcement activities may be considered on a case-by-case basis. Projects must demonstrate the need to use rental vehicles rather than the agency's vehicles, and the costs must be reasonable.

NOTE: ➤ RENTING/LEASING TO OWN, PURCHASE/LEASEBACK, AND LEASE/PURCHASE OF EQUIPMENT IS NOT ALLOWED.

6. Audit Expenses

All CDHS/TCS funded grantees are required to conduct an annual single organization-wide financial and compliance audit. The budgeted amount should represent the proportionate amount of this grant in relationship to your agency's total revenue. For example, if this grant represents 10 (ten) percent of your agency's total revenue, then this grant would be responsible for no more than 10 (ten) percent of the total annual audit costs.

Provide the dollar amount allocated for the audit, the calculation for this amount, and the percentage this grant represents of your agency's total revenue. Also, identify the FY in which your agency operates (e.g., July 1 through June 30 or January 1 through December 31, etc.).

Grantees choosing not to allocate funds for audit purposes must provide a written justification explaining their compliance with the audit requirement.

7. Buy Money

Funds may be budgeted for "buy money" for the purchase of tobacco products and other small items such as gum and sodas, during PC§308(a) enforcement activities. Funds may also be used to purchase **non-alcoholic** drinks for operations enforcing LC§6404.5. **However, funds from this RFA may not be used to purchase alcoholic drinks at any time.** Based on the proposed EAP, provide an estimated amount needed for buy money.

8. Agency Vehicle Use

Funds may be budgeted for the use of the agency's enforcement program vehicle(s). The amount budgeted is to be limited to the tobacco enforcement program's pro-rated share.

List the monthly pro-rated share of the vehicle expenses and the number of months charged to the tobacco enforcement program for each FY.

NOTE: ➤ FUNDS AWARDED FROM THIS RFA MAY NOT BE USED TO PURCHASE VEHICLES.

Equipment Expenses

Successful applicants may use their agency's own procurement procedures for acquiring approved equipment.

Due to the anticipated limited funding amount of grant awards from this RFA, equipment purchases will be considered on a case-by-case basis and will depend upon the need of the applicant and approval of CDHS/TCS. Equipment purchases include, but are not limited to, the following:

1. Computer equipment includes personal computers, printers, computer scanners, external Zip drives, external hard drives, external modems, software, and uninterrupted computer supply adapters.

NOTE: ➤ MICROSOFT ACCESS DATABASE SOFTWARE IS REQUIRED IN ORDER FOR PROJECTS TO REPORT ON THEIR ACTIVITIES AND IF NOT CURRENTLY AVAILABLE FROM THE APPLICANT AGENCY, THEN THE PURCHASE MUST BE BUDGETED IN THE EQUIPMENT EXPENSES CATEGORY.

2. Surveillance or communications equipment includes, but is not limited to, mobile radios, cameras, video tape recorders and monitors, audio tape recorders, and microphones.

However, the purchase of cellular phones and reimbursement for monthly service contracts will not be allowed.

Itemize each item of equipment proposed for purchase; indicate quantity requested, and the estimated cost per unit. Each item of equipment must include an explanation justifying the need for the equipment.

Travel/Per Diem and Training

General Information

1. Travel costs are allowable for expenses relating to transportation, lodging and subsistence. Allowable expenses shall be limited to those resulting from attendance at the CDHS/TCS-required trainings and conferences and any professional development trainings required by the agency so that the employees may maintain their employment status.

2. Travel expenses **incurred** by agency employees must be in accordance with the travel policies and procedures of the funded-agency. While the funded-agency may actually reimburse employees at higher rates, expenses **claimed** by the agency for reimbursement by the State under this RFA must be in accordance with the State Department of Personnel Administration rates. Please refer to Appendix M, Travel Reimbursement Rate Information.
3. State funds are not allowed for travel and per diem or registration fees for trainings and/or conferences held out-of-state without prior written approval by CDHS/TCS.
4. CDHS/TCS and its statewide contractors typically conduct 5-10 required trainings/conferences each year. These trainings/conferences are specifically designed and directed toward CDHS/TCS-funded projects. They provide opportunities for project staff to learn from national, state, and local experts regarding evaluation, media, and advocacy, and are a means to be connected to California's larger tobacco control movement.

Each training/conference is usually one-to-two days in length. A statewide conference may be two-to-three days in length.

Typically, each training is offered only once. However, some trainings are offered twice; once in Northern California (Bay Area or Sacramento counties) and another in Southern California (Los Angeles, Orange, or San Diego counties).

Instructions

Provide a separate line item budget for each of the following:

1. Agency Required Travel

Local travel expenses include mileage, per diem, and incidental expenses for project-related activities such as required travel to hold youth purchase enforcement protocol trainings for youth involved in the program. Local travel expenses also include airfare, meals, lodging, incidental expenses, and mileage required for travel to professional development trainings required for enforcement staff and necessary to maintain their employment status.

NOTE: ➤ MILEAGE IS NOT REIMBURSABLE IF PROGRAM STAFF UTILIZE VEHICLES THAT ARE OWNED/LEASED BY THE FUNDED-AGENCY.

2. Agency Required Training

Agency required training costs include registration fees for professional development or any other additional training events required for enforcement staff to maintain their employment status.

3. CDHS/TCS-Required Travel and Training Conferences

a) New Grantee Orientation

This is a two-day session for 2-3 staff (e.g., the enforcement officers and the person who is responsible for fiscal matters). This event will be held within the first few months of the contract period at a location to be determined.

Budget \$625 per person (\$500 for travel/per diem and \$125 for registration) for 2-3 people to attend.

b) Project Director's Meeting

This conference typically occurs in alternate years and is three-days in length. Budget this expense in FYs 02/03 and 04/05.

Budget \$1,200 per person (\$1,000 for travel/per diem and \$200 for registration) for a maximum of two people to attend. The \$1,000 for travel/per diem includes two-to-three nights of lodging and airfare.

c) Tobacco Control Law Enforcement Trainings

Successful applicants will be required to send the lead enforcement officer working on the CDHS/TCS enforcement program to annual tobacco control enforcement trainings.

Budget \$375 (\$250 for travel/per diem and \$125 for registration) for one person to attend one tobacco control enforcement training per year.

d) Additional Trainings/Conferences Required by CDHS/TCS

CDHS/TCS typically conducts 5-10 additional required trainings/conferences per year. Each is usually one-to-two days in length for 1-2 staff.

Budget \$375 per person (\$250 for travel/per diem and \$125 for registration) for 1-2 staff to attend 3-5 additional required trainings/conferences per year.

Subcontracts and Consultants

1. A subcontractor is an individual or organization who performs a specialized task that is directly related to providing project services. Services typically provided by a subcontractor are conducting local enforcement activities, developing enforcement educational materials, etc. The use of subcontractors must be clearly defined in the EAP (Attachment 5). **Additionally, the subcontractors indirect expenses will not be reimbursed, as they are required in-kind contributions.**

NOTE: ➤ IF YOUR AGENCY IS CONSIDERING THE USE OF A SUBCONTRACTOR TO IMPLEMENT ENFORCEMENT ACTIVITIES, THE SUBCONTRACTOR

MUST HAVE THE AUTHORITY AND THE ABILITY TO ISSUE CITATIONS. FUNDS FROM THIS RFA MAY NOT BE USED TO PROVIDE EDUCATION AND INFORMATION TO TOBACCO RETAILERS, BAR, OR RESTAURANT OWNERS, OR PERSONNEL.

2. A consultant is an individual whose level or area of expertise relating to the target population extends beyond that possessed by the applicant's staff. Typical services provided by a consultant are advice on programmatic issues such as: youth recruitment, group facilitation, in-service training, etc. Consultants are to be used only for activities directly related to the enforcement program. The use of consultants must be clearly defined in the EAP.
3. The rate paid to a consultant should be commensurate with his/her level of training, expertise, and national recognition. Every effort should be made to negotiate the lowest possible rate.
4. List each subcontractor and consultant and provide the amount budgeted, contract term, and description of services for each.

Other Costs

1. Educational Materials

This line item is for items related to and in support of enforcement operations, and includes the purchase of educational materials, and signage (e.g., brochures, pamphlets, posters, curriculum, training guides, videos, flip charts, etc.) necessary for program activities such as training youth used in PC§308(a) enforcement activities or adults used to conduct LC§6404.5 site enforcement and observation activities in conjunction with an officer who has statutory authority. Refer to Policy Section, Chapter 300 on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco> for more information on educational materials. Many materials, including camera ready park signage for HSC§104495, will be available to funded grantees from the Tobacco Education Clearinghouse of California at 1-800-258-9090 or from LLAs.

Provide a list of the educational materials and the total amount requested. Do not itemize; use broad categories, and estimates only.

2. Promotional Items and Incentives

Refer to Policy Section, Chapter 300 on the CDHS/TCS website: <http://www.dhs.ca.gov/tobacco> for more information on promotional items and incentives.

a. Promotional Items

These are inexpensive miscellaneous items (e.g., buttons, key chains, stickers, posters, etc.) given to individuals in order to generate visibility and interest, to

increase public awareness and to promote attitudes which support tobacco control activities in the community.

Provide a listing of promotional items that may be used, a brief description of how they will be used, an approximate number to be awarded, and the total amount budgeted.

b. Incentives

INCENTIVES ARE LIMITED TO A MAXIMUM OF \$50 PER PERSON PER YEAR. CASH AWARDS ARE NOT ALLOWED.

Incentives are awards provided to participants to reinforce a positive behavior change. For example, incentives may be provided to youth who recruit additional youth for participation in PC§308(a) enforcement activities or adult volunteers who conduct LC§6404.5 site enforcement and observation activities in conjunction with an officer who has statutory authority. Some examples of incentives are: framed certificates of appreciation, recognition plaques, gift certificates for movies, compact disks, etc.

Provide a listing of incentive items that may be used, a brief description of how they will be used, an approximate number to be awarded, and the total amount budgeted.

c. Media, Public Relations, and Advertising

This line item may include the development, purchase, or placement of Public Service Announcements (PSAs) and paid advertisements on radio, newspaper, organizational newsletters, and neighborhood advertising papers, specifically for needs related to this grant, such as recruiting youth decoys.

NOTE: ➤ THE PUBLIC RELATIONS BUDGET MAY BE USED TO NOTIFY THE COMMUNITY THAT YOUR AGENCY HAS RECEIVED FUNDING TO CONDUCT TOBACCO CONTROL ENFORCEMENT ACTIVITIES, AND TO ANNOUNCE THE RESULTS OF THE ENFORCEMENT ACTIVITIES. THE ADVERTISING BUDGET MAY BE USED TO RECRUIT YOUTH AND/OR ADULT VOLUNTEERS, ETC. HOWEVER, FUNDS RECEIVED FROM THIS RFA MAY NOT BE USED TO ALERT THE COMMUNITY AS TO WHEN AND WHERE ENFORCEMENT ACTIVITIES WILL TAKE PLACE.

3. Additional Expenses

This line item allows for expenditures that otherwise are not listed in this sample Budget Justification. If you use line items under Additional Expenses, then list them individually and be specific, (e.g., youth stipends, facility fees for rental of meeting rooms to

hold enforcement trainings, per diem for youth used during PC 308 (a) enforcement activities, posting of park signage, etc.)

Provide the justification and the amount requested for each additional line item.

Total Other Costs

Add all Other Costs line items to compute the Total Other Costs for each FY and the grant term.

Indirect Expenses

As stated previously, awarded agencies will not be reimbursed for Indirect Expenses associated with the project, as they must be provided in-kind.

Indirect Expenses are costs that are not directly associated with the project's deliverables. Examples of Indirect Expenses are: management and fiscal personnel (e.g., Executive Director, Deputy Director, Attorney, Bookkeeper), bookkeeping and payroll services, utilities, audit expenses, building and equipment maintenance, janitorial services, and insurance costs.

In order to document the Indirect Expenses that will be provided in-kind, the narrative portion of the Budget Justification must provide the following information (see Appendix L for an example):

1. A listing of all the Indirect Expenses associated with this grant;
2. Your agency's indirect rate and how it is applied, e.g., 'x' percentage applied to the total direct costs, or "x" percentage applied to personnel and fringe benefits only;
3. The associated dollar amount that will be provided in-kind each FY.

Each of the FY budget columns should indicate zero dollars have been budgeted for Indirect Expenses.

Total Expenses

Add Personnel Costs, Fringe Benefits, Operating Expenses, Equipment Expenses, Travel/Per Diem and Training, Subcontracts and Consultants, and Other Costs, to compute Total Expenses for each FY.

J. Cost Per Enforcement Activity Worksheet (Attachment 6) = 5 points

In order to study the cost-benefit of enforcing tobacco control laws, CDHS/TCS is interested in comparing and standardizing the rates for different enforcement activities. Therefore, Attachment 6, the Cost Per Enforcement Activity Worksheet, has been

developed in an effort to collect information on the costs associated with enforcing different types of tobacco control laws in different areas of the state.

Funding Criteria

Funding preference shall be given to applicants that:

1. Provide the level of detail requested in the Cost Per Enforcement Activity Worksheet instructions.
2. Provide reasonable rates for the proposed quality and quantity of activities in the EAP.

Instructions

Complete one form for each tobacco control law proposed for enforcement.

1. Provide the following information:
 - a. Your agency's name;
 - b. The statute number and the type of tobacco control law your agency proposes to enforce;
 - c. The target area of enforcement activities; and,
 - d. The number of enforcement activities to be conducted per year, or for HSC§104495 state number of visits to parks per month.
2. Provide the estimated annual expenses associated with enforcing the proposed tobacco control law for each of the listed expense categories. The estimated costs should include the expenses identified in your proposed budget.
3. Calculate the Total Estimated Annual Expenses by adding items B.1. through B.10.
4. Calculate the Estimated Cost Per Enforcement Operation by dividing the Total Estimated Annual Expenses by the Proposed Number of Activities Per Year.

K. Additional Required Forms

The following documents require Completion/Signature by the person authorized to bind the applicant agency.

1. Drug Free Workplace Certification (Attachment 7)
2. Agency Documentation Requirements (Attachment 8)

V. TABLE OF CONTENTS FOR ENCLOSED ATTACHMENTS

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COVER SHEET: RFA #TCS-02-101 LOCAL ENFORCEMENT OF TOBACCO CONTROL LAWS

1. Applicant Information:

Applicant Legal Name _____

Mailing Address _____

City _____ Zip _____

County _____

Contact Person's Name _____

Telephone (_____) _____ FAX (_____) _____

E-mail _____

Federal Identification Number _____

2. Term of Grant: From 10/01/02 to 06/30/05

3. Total Budget Amount Requested for Entire Grant Term 10/01/02 to 06/30/05: \$ _____

4. Location/Geographic Coverage of Project: _____

5. Tobacco Control Laws Proposed for Enforcement:

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> LC§6404.5 | <input type="checkbox"/> BPC§22962 |
| <input type="checkbox"/> PC§308(a) | <input type="checkbox"/> BPC§25612.5(c)(7) |
| <input type="checkbox"/> PC§308.1 | <input type="checkbox"/> HSC§104495 |
| <input type="checkbox"/> PC§308.3 | <input type="checkbox"/> HSC§118950 |
| <input type="checkbox"/> Other: _____ | |

provide statute number and brief description (e.g., store front advertising, self service displays, etc.).

6. Estimated Number of Compliance Checks to be Conducted During the Contract Period: _____

7. The undersigned hereby affirms that the statements contained in the application package are true and complete to the best of the applicant's knowledge and accepts as a condition of a grant, the obligation to comply with the applicable state and federal requirements, policies, standards, and regulations. The undersigned recognizes that this is a public document and open to public inspection.

Signature
of Agency Representative _____ Date _____

Print Name and Title _____

APPLICATION CHECKLIST

ATTACHMENT 2

The following attachments and components must be completed and submitted in the order shown here. Applications which are missing any of these attachments or components will be considered non-compliant and will not be reviewed. Please note that you are not required to submit the Application Checklist.

Attachments and Components

Check Mark

- One Original Application (Marked "Original") _____
- 6 Additional Copies of the Application _____
- 6 Additional Copies of the Narrative _____
- • Application Cover Sheet (Attachment 1) _____
- Application Checklist (Attachment 2) (optional) _____
- Table of Contents (Attachment 3) _____
- Narrative – (No Attachment, 6 page maximum)
 - Community Profile and Geographic Area(s) to Be Served _____
 - Enforcement Need and Current Enforcement Effort _____
- ☞ • Communication with CDHS/TCS Local Lead Agency Form (Attachment 4) _____
- Applicant Capability – (No Attachment, 4 page limit, not including Letters of Reference)
 - Letters of Reference (2 required) _____
- Enforcement Activities Plan (Attachment 5) _____
- Budget (No Attachment) _____
- Budget Justification (No Attachment) _____
- Cost Per Enforcement Activity Worksheet (Attachment 6) _____
- • Drug-Free Workplace Certification (Attachment 7) _____
- • Agency Documentation Requirements (Attachment 8) _____
- Enforcement Authority Documentation (No Attachment, police and sheriff departments exempt) _____

NOTE: ➤ DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE PERSON AUTHORIZED TO BIND THE APPLICANT AGENCY. READ THE DOCUMENTS AND ALLOW TIME TO OBTAIN THE REQUIRED SIGNATURE.

☞ DENOTES THE DOCUMENT REQUIRES A SIGNATURE BY THE LOCAL LEAD AGENCY IN YOUR JURISDICTION.

Local Enforcement of Tobacco Control Laws

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5. Budget	
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7. Cost Per Enforcement Activity Worksheet.....	
8. Drug-Free Workplace Certification.....	
9. Agency Documentation Requirements	
10. Enforcement Authority Documentation	

TO: _____
Project Director

FROM: _____
Applicant Agency Representative

Please complete the following information, sign, and return this form to the applicant agency immediately. Thank you.

I confirm that the applicant agency identified above communicated with me to coordinate and collaborate in the proposed enforcement activities for the CDHS/TCS Local Enforcement of Tobacco Control Laws, RFA # TCS-02-101. A summary of that collaboration is provided below, including a description of the nature of the communication and collaborative plans related to this RFA and any current and past collaboration efforts between the applicant agency and the Local Lead Agency:

Signature: _____ **Date:** _____

Print Name: _____

Pho

Agency Name:
Grant Number:

Exhibit A
Scope of Work

Grant Term: 10/01/02 – 06/30/05
Revision Date: June 27, 2002

ENFORCEMENT ACTIVITIES PLAN (EAP)

1. Complete this form or a facsimile for **each state or local tobacco control law** proposed for enforcement funding under this RFA. A maximum of 2 additional pages may be added for each form completed. Refer to page 22 for instructions on completing this form.

2. Statute Title and Number:

3. Statute Description:

4. Statute Penalty Structure:

5. Target Area for Proposed Enforcement:

6. Estimated Rate of Non-Compliance with the Statute
(for parks, indicate degree of complaints received or number of citations issued):

7. Estimated Number of Establishments or Inspection Sites in the Target Area:

8. Range of Inspections to be Conducted During Each Six-month Reporting Period:

1/1/03 - 6/30/03:

7/1/03 - 12/31/03:

1/1/04 - 6/30/04:

7/1/04 – 12/31/04:

1/1/05 – 6/30/05:

Total for the
Grant Term:

9. Date enforcement activities are expected to begin:

10. Describe Enforcement Procedures:

- Describe the inspection protocols to be used and how they will be updated,
- How establishment or inspection sites will be identified,
- How repeat violators and problem parks will be monitored and targeted,
- How youth operatives will be recruited, trained and retained for service (if applicable),
- How citations will be prosecuted (informational only; CDHS/TCS will not fund this),
- Describe adjunct activities to support enforcement, such as posting of signage or outreach to the business community, and
- Describe use of subcontractors and consultants, educational materials, promotional items and incentives, media, public relations and advertising, and other items such as trainings (see pages 34-35 for a description of these items).

COST PER ENFORCEMENT ACTIVITY WORKSHEET

(Complete one form for each tobacco control law proposed for enforcement)

A. INFORMATION

1. Agency Name:

2. Statute Title and Number:

Statute Type:

☐ California Smoke-Free Workplace Law (LC§6404.5 [Bars, Taverns, Gaming Clubs])

☐ California Smoke-Free Workplace Law (LC§6404.5 [All Other Worksites])

☐ Sales To Minors (PC§308(a))

☐ Out-Door Tobacco Smoke (HSC§104495)

☐ Self-Service Display Ban (BPC§22962)

☐ Retailer Licensing

☐ Outdoor Advertising (BPC§25612.5(c)(7))

☐ Sale of Bidis (PC§308.1)

☐ Minimum Pack Size (PC§308.3)

☐ Tobacco Product Samples and Coupons (HSC§118950)

☐ Other:

3. Enforcement Activity Target Area(s)

(geographic location(s) e.g., city,
county, unincorporated area, parks):

4. Proposed Number of Enforcement Activities Per Year:
(not applicable to HSC§104495)

5. For HSC§104495 only: Indicate proposed number of
patrols per park per month:

B. Provide the estimated annual costs associated with enforcing tobacco control laws in your jurisdiction for the following items. The estimated costs may include the expenses identified in your proposed budget.

**EXPENSES COVERED
BY THE FUNDED
BUDGET**

1. Enforcement Personnel Costs:
(May include salaries, overtime, fringe benefits.)

2. Managerial/Administrative Personnel Costs:

COST PER ENFORCEMENT ACTIVITY WORKSHEET

ATTACHMENT 6

Page 2 of 3

EXPENSES COVERED BY THE FUNDED BUDGET

3. Enforcement Personnel Training Costs:
(May include training expenses necessary
for enforcement staff to maintain employment
status)

\$

4. Operating Expenses
(May include office supplies, communications,
printing, space, equipment rental, etc.)

\$

5. Evidence Collection Costs
(May appear in Grantee's budget under
Operating Expenses and may include documentation
such as photographs, video tapes, etc., or 'buy money' to
to purchase tobacco products and other
small items, such as sodas, candy, chips, etc.)

\$

6. Equipment Necessary for Enforcement Activities:
(Surveillance equipment such as mobile
radios, cameras, etc., computers, printers,
software, necessary for preparing reports, etc.)

\$

7. Travel Costs Directly Related to Enforcement Activities:
(May include use of agency's enforcement vehicles,
mileage if using personal vehicles, travel for
project-related activities, etc.)

\$

8. Youth Operative/Decoy Costs:
(May include recruitment expenses,
stipends, training expenses, etc.)

\$

9. Adult Volunteer Costs:
(May include recruitment expenses,
stipends, training expenses, etc.)

\$

COST PER ENFORCEMENT ACTIVITY WORKSHEET

ATTACHMENT 6

Page 3 of 3

EXPENSES COVERED BY THE FUNDED BUDGET

10. Other Costs:

(Include other costs necessary for enforcement activities not listed above and provide a brief listing.)

\$

a.	\$
b.	\$
c.	\$
d.	\$
e.	\$
f.	\$
g.	\$

11. Total Estimated Annual Expenses

\$

C. Estimated Cost Per Enforcement Activity:
(divide Item B.11. "total estimated annual expenses"
by Item A.4. "Proposed Number of Enforcement
Activities Per Year")

\$

DRUG-FREE WORKPLACE CERTIFICATION

STD. 21 (12/93)

I, the official named below, hereby swear that I am duly authorized legally to bind the prospective bidder, contractor or grant recipient to the certification described below. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.

COMPANY / ORGANIZATION NAME:

OFFICIAL'S NAME:

DATE EXECUTED:

EXECUTED IN THE COUNTY OF:

CONTRACTOR or GRANT RECIPIENT SIGNATURE:

TITLE:

FEDERAL ID NUMBER:

The firm named above hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug-free workplace. The above named contractor or grant recipient will:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
2. Establish a Drug-Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace,
 - (b) The person's or organization's policy of maintaining a drug-free workplace,
 - (c) Any available counseling, rehabilitation and employee assistance programs, and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code Section 8355(c), that every employee who works on the proposed contract or grant:
 - (a) Will receive a copy of the company's drug-free workplace policy statement, and
 - (b) Will agree to abide by the terms of the company's statement as a condition of employment on the contract or grant.

At the election of above named firm, from and after the "Date Executed" and until _____ (not to exceed 36 months), the Department of Health Services (DHS) will regard this certificate as valid for all contracts or grants entered into between the above named firm and DHS without requiring the above named firm to provide a new and individual certificate for each contract or grant. If the above named firm elects to fill in the blank date, then the terms and conditions of this certificate shall have the same force, meaning, effect and enforceability as if a certificate were separately, specifically, and individually provided for each contract or grant between the above named firm and DHS.

AGENCY DOCUMENTATION REQUIREMENTS

The California Department of Health Services may audit contracts at any time. The documentation required for each audit may typically include, but is not limited to the following:

Fiscal Records

- A. General Ledger, Journals, and Charts of Accounts
- B. Cash Receipts and Disbursements Journal with Supporting Documents
- C. Vendor Invoices to Support Expenditures
- D. Program Remittance Advices from State Controller
- E. Payroll Records, including, but not limited to personnel time sheets signed/dated by the employee and supervisor reflecting actual time worked on program.
- F. Travel Log, Employee Expense Claims and appropriate receipts
- G. Billing Records (Program Log)
- H. State and Federal Tax Withholding Records
- I. Financial Statements and Independent Auditor's of County Auditor's Report
- J. Computation of the Fringe Benefit of Fund Sources
- K. Agency wide Budget and Listing of Fund Sources
- L. Copies of Monthly Invoices to the State
- M. Copies of Reimbursement Warrants and Remittance Advices from the State
- N. Administrative Manuals such as Personnel Policies and Procedures, Travel Policies and Procedures

Program Records

- A. Project Application (submitted in response to this RFA)
- B. Contract and Contract Amendments
- C. CDHS/TCS Competitive Grantee Administrative and Policy Manual
- D. Progress Reports and the Final Report
- E. Program Audit Reports of Site Visits
- F. Enforcement Activities Plan
- G. Correspondence Regarding the Contract and/or Subcontracts
- H. Program implementation records that document the number of people served, materials developed activities conducted, etc. These records may include, but are not limited to logs, sign-in sheets, meeting minutes, survey and evaluation data, etc.

Other Records

- A. Board of Director's Minutes and Articles of Incorporation
- B. Non-Profit Approval Letter/Certification
- C. Organization Chart (Agency-wide) and Duty Statements
- D. Program Correspondence Files
- E. Other Program Audits of the Facility

NOTE: ➤ SEE NEXT PAGE FOR AGENCY CERTIFICATION AND REQUIRED SIGNATURES

AGENCY DOCUMENTATION REQUIREMENTS

I certify that the above will be available upon request by the CDHS, CDHS/TCS Program/Contract Manager and/or Auditors.

Director of Agency:

Agency Financial Management Official:

Signature

Date

Signature

Date

Print Name and Title

Print Name and Title

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COPY OF LABOR CODE SECTION 6404.5

**Sections of the California State Labor Code
Specifically Relating to Smoking in Enclosed Workplaces
(Sections 6404 & 6404.5)****6404.**

No employer shall occupy or maintain any place of employment that is not safe and healthful.

6404.5.

- (a) The Legislature finds and declares that regulation of smoking in the workplace is a matter of statewide interest and concern. It is the intent of the Legislature in enacting this **section** to prohibit the smoking of tobacco products in all (100 percent of) enclosed places of employment in this state, as covered by this **section**, thereby eliminating the need of local governments to enact workplace smoking restrictions within their respective jurisdictions. It is further the intent of the Legislature to create a uniform statewide standard to restrict and prohibit the smoking of tobacco products in enclosed places of employment, as specified in this **section**, in order to reduce employee exposure to environmental tobacco smoke to a level that will prevent anything other than insignificantly harmful effects to exposed employees, and also to eliminate the confusion and hardship that can result from enactment or enforcement of disparate local workplace smoking restrictions. Notwithstanding any other provision of this **section**, it is the intent of the Legislature that any area not defined as a "place of employment" pursuant to subdivision (d) or in which the smoking of tobacco products is not regulated pursuant to subdivision (e) shall be subject to local regulation of smoking of tobacco products.
- (b) No employer shall knowingly or intentionally permit, and no person shall engage in, the smoking of tobacco products in an enclosed space at a place of employment.
- (c) For purposes of this **section**, an employer who permits any non employee access to his or her place of employment on a regular basis has not acted knowingly or intentionally if he or she has taken the following reasonable steps to prevent smoking by a non employee:
- (1) Posted clear and prominent signs, as follows:
 - (A) Where smoking is prohibited throughout the building or structure, a sign stating "No smoking" shall be posted at each entrance to the building or structure.
 - (B) Where smoking is permitted in designated areas of the building or structure, a sign stating "Smoking is prohibited except in designated areas" shall be posted at each entrance to the building or structure.
 - (2) Has requested, when appropriate, that non-employee who is smoking refrain from smoking in the enclosed workplace. For purposes of this subdivision, "reasonable steps" does not include:

- (A) the physical ejection of a non employee from the place of employment or
 - (B) any requirement for making a request to a non employee to refrain from smoking. Under circumstances involving a risk of physical harm to the employer or any employee.
- (d) For purposes of this **section**, “place of employment” does not include any of the following:
- (1) Sixty-five percent of the guest room accommodations in a hotel, motel, or similar transient-lodging establishment.
 - (2) Areas of the lobby in a hotel, motel or other similar transient lodging establishment designated for smoking by the establishment. An establishment may permit smoking in a designated lobby area that does not exceed 25 percent of the total floor area of the lobby or, if the total area of the lobby is 2,000 square feet or less, that does not exceed 50 percent of the total floor area of the lobby. For purposes of this paragraph, “lobby” means the common public area of an establishment in which registration and other similar or related transactions, or both are conducted and in which the establishment’s guests and members of the public typically congregate.
 - (3) Meeting and banquet rooms in a hotel, motel, or other transient lodging establishment similar to hotel, or motel, restaurant, or public convention center, except while food or beverage functions are taking place, including setup, service, and cleanup activities, or when the room is being used for exhibit purposes. At times when smoking is not permitted in a meeting or banquet room pursuant to this paragraph, the establishment may permit smoking in corridors and pre-function areas adjacent to and serving the meeting or banquet room if no employee is stationed in that corridor or area on other than a passing basis.
 - (4) Retail or wholesale tobacco shops and private smokers’ lounges. For purposes of this paragraph:
 - (A) “Private smokers’ lounge” means any enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products, including, but not limited to, cigars and pipes.
 - (B) “Retail or wholesale tobacco shop” means any business establishment the main purpose of which is the sale of tobacco products, including, but not limited to, cigars, pipe tobacco, and smoking accessories.
 - (5) Cabs of motortrucks, as defined in **Section** 410 of the Vehicle **Code**, or truck tractors, as defined in **Section** 655 of the Vehicle **Code**, if no nonsmoking employees are present.
 - (6) Warehouse facilities. For purposes of this paragraph, “warehouse facility” means a warehouse facility with more than 100,000 square feet of total floor space, and 20 or fewer full-time employees working at the facility, but does not include any area within a facility that is utilized as office space.

- (7) Gaming clubs, in which smoking is permitted by subdivision (f). For purposes of this paragraph, “gaming club” means any gaming club, as defined in **Section** 19802 of the Business and Professions **Code**, or bingo facility, as defined in **Section** 326.5 of the Penal **Code**, that restricts access to minors under 18 years of age.
- (8) Bars and taverns, in which smoking is permitted by subdivision (f). Purposes of this paragraph, “bar” or “tavern” means a facility primarily devoted to the serving of alcoholic beverages for consumption by guests on the premises, in which the serving of food is incidental. “Bar” or “tavern” includes those facilities located within a hotel, motel, or other similar transient occupancy establishment. However, when located within a building in conjunction with another use, including a restaurant, “bar” or “tavern” includes only those areas used primarily for the sale and service of alcoholic beverages. “Bar” or “tavern” does not include the dining areas of a restaurant, regardless of whether alcoholic beverages are served therein.
- (9) Theatrical production sites, if smoking is an integral part of the story in the theatrical production.
- (10) Medical research or treatment sites, if smoking is integral to the research and treatment being conducted.
- (11) Private residences, except for private residences licensed as family day care homes, during the hours of operation as family daycare homes and in those areas where children are present.
- (12) Patient smoking areas in long-term health care facilities, as defined in **Section** 1418 of the Health and Safety **Code**.
- (13) Breakrooms designated by employers for smoking, provided that all of the following conditions are met:
 - (A) Air from the smoking room shall be exhausted directly to the outside by an exhaust fan. Air from the smoking room shall not be recirculated to other parts of the building.
 - (B) The employer shall comply with any ventilation standard or other standard utilizing appropriate technology, including, but not limited to, mechanical, electronic, and biotechnical systems, adopted by the Occupational Safety and Health Standards Board or the federal Environmental Protection Agency. If both adopt inconsistent standards, the ventilation standards of the Occupational Safety and Health Standards Board shall be no less stringent than the standards adopted by the federal Environmental Protection Agency.
 - (C) The smoking room shall be located in a non-work area where no one, as part of his or her work responsibilities, is required to enter. For purposes of this paragraph, “work responsibilities” does not include any custodial or maintenance work carried out in the breakroom when it is occupied.
 - (D) There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

- (14) Employers with a total of five or fewer employees, either full-time or part-time, may permit smoking where all of the following conditions are met:
- (A) The smoking areas not accessible to minors.
 - (B) All employees who enter the smoking area consent to permit smoking. No one, as a part of his or her work responsibilities, shall required to work in an area where smoking is permitted. An employer who is determined by the division to have used coercion to obtain consent or has required an employee to work in a smoking area shall be subject to the penalty provisions of **Section** 6427.
 - (C) Air from the smoking area shall be exhausted directly to the outside by an exhaust fan. Air from the smoking area shall not be recirculated to other parts of the building.
 - (D) The employer shall comply with any ventilation standard or other standard utilizing appropriate technology, including, but not limited to, mechanical, electronic, and biotechnical systems, adopted by the Occupational Safety and Health Standards Board or the federal Environmental Protection Agency. If both adopt inconsistent standards, the ventilation standards of the Occupational Safety and Health Standards Board shall be no less stringent than the standards adopted by the federal Environmental Protection Agency.

This paragraph shall not be construed to (i) supersede or render inapplicable any condition or limitation on smoking areas made applicable to specific types of business establishments by any other paragraph of this subdivision or (ii) apply in lieu of any otherwise applicable paragraph of this subdivision that has become inoperative.

- (e) Paragraphs (13) and (14) of subdivision (d) shall not be construed to require employers to prove reasonable accommodation to smokers, or to provide breakrooms for smokers or nonsmokers.
- (f) (1) Except as otherwise provided in this subdivision, smoking may be permitted in gaming clubs, as defined in paragraph (7) of subdivision (d), and in bars and taverns, as defined in paragraph (8) of subdivision (d), until the earlier of the following:
 - (A) The date of adoption of a regulation (i) by the Occupational Safety and Health Standards Board reducing the permissible employee exposure level to environmental tobacco smoke to a level that will prevent anything other than insignificantly harmful effects to exposed employees or (ii) by the federal Environmental Protection Agency establishing a standard for reduction of permissible exposure to environmental tobacco smoke to an exposure level that prevent anything other than insignificantly harmful effects to exposed person.
 - (2) If a regulation specified in subparagraph (B) of paragraph (1) is adopted on or before January 1, 1998, smoking may thereafter be permitted in gaming clubs and in bars and taverns, subject to full compliance with, or conformity to, the standard in the regulation within two years following the date of adoption of the regulation. An employer failing to achieve compliance with, or conformity to, the regulation within this two-year period shall prohibit smoking in the gaming club, bar, or tavern until compliance or conformity is achieved. If the Occupational

Safety and Health Standards Board and the federal Environmental Protection Agency both adopt regulations specified in subparagraph (B) of paragraph (1) that are inconsistent, the regulations of the Occupational Safety Standards Board shall be no less stringent than the regulations of the federal Environmental Protection Agency.

- (3) If a regulation specified in subparagraph (B) of paragraph (1) is not adopted on or before January 1, 1998, the exemptions specified in paragraphs (7) and (8) of subdivision (d) shall be inoperative on and after January 1, 1998, until a regulation is adopted. Upon adoption of such a regulation on or after January 1, 1998, smoking may thereafter be permitted in gaming clubs and in bars and taverns, subject to full compliance with, or conformity to, the standard in the regulation within two years following the date of adoption of the regulation. An employer failing to achieve compliance with, or conformity to, the regulation within this two-year period shall prohibit smoking in the gaming club, the bar, or tavern until compliance or conformity is achieved. If the Occupational Safety and Health Standards Board and the federal Environmental Protection Agency both adopt regulation specified in subparagraph (B) of paragraph (1) that are inconsistent, the regulations of Occupational Safety and Health Standards Board shall be no less stringent than the regulations of the federal Environmental Protection Agency.
- (4) From January 1, 1997, to December 31, 1997, inclusive, smoking may be permitted in gaming clubs, as defined in paragraph (7) of subdivision (d), and in bars and taverns, as defined in paragraph (8) of subdivision (d), subject to both of the following conditions:
- (A) If practicable, the gaming club or bar or tavern shall establish a designated nonsmoking area.
 - (B) If feasible, no employee shall be required, in the performance of ordinary work responsibilities, to enter any area in which smoking is permitted.
- (g) The smoking prohibition set forth in this **section** shall constitute a uniform statewide standard for regulating the smoking of tobacco products in enclosed places of employment and shall supersede and render unnecessary the local enactment or enforcement of local ordinances regulating the smoking of tobacco products in enclosed places of employment. Insofar as the smoking prohibition set forth in this section is applicable to all (100 percent of) places of employment within this state and, therefore, provides the maximum degree of coverage, the practical effect of this **section** is to eliminate the need of local governments to enact enclosed workplace smoking restrictions within their respective jurisdictions.
- (h) Nothing in this section shall prohibit an employer from prohibiting smoking in an enclosed place of employment for any reason.
- (h) The enactment of local regulation of smoking of tobacco products in enclosed places of employment by local governments shall be suspended only for as long as, and to the extent that, the (100 percent) smoking prohibition provide for in this **section** remains in effect. In the event this **section** is repealed or modified by subsequent legislative or judicial action so that the (100 percent) smoking prohibition is no longer applicable to all enclosed places of employment in

previously enacted, and to enact and enforce new, restrictions on the smoking of tobacco products in enclosed places of employment within their jurisdictions, including a complete prohibition of smoking. Notwithstanding any other provision of this **section**, any area not defined as a “place of employment” or in which the smoking is not regulated pursuant to subdivision (d) or (e), shall be subject to local regulation of smoking of tobacco products.

- (j) Any violation of the prohibition set forth in subdivision (b) is an infraction, punishable by a fine not to exceed one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for a second violation within one year, and five hundred dollars (\$500) for a third and for each subsequent violation within one year. This subdivision shall be enforced by local law enforcement agencies including, but not limited to, local health departments, as determined by local governing body.
- (k) Notwithstanding **Section** 6309, the division shall not be required to respond to any complaint regarding the smoking of tobacco products in an enclosed space at a place of employment, unless the employer has been found guilty pursuant to subdivision (j) of third violation of subdivision (b) within the previous year.
- (l) If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision of application, and to this end the provisions of this act are severable.

COPY OF PENAL CODE SECTION 308

NOTICE

Unlawful to Sell To Person Under 18 Years of Age Tobacco, Cigarette or Cigarette Papers, or Any Preparation of Tobacco, or Any Other Instrument or Paraphernalia That is Designed for the Smoking or Ingestion of Tobacco, Products Prepared From Tobacco, or Any Controlled Substance

COPY OF ACT

308. (a) Every person, firm, or corporation which knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, sells, gives, or in any way furnishes to another person who is under the age of 18 years any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance, is subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of two hundred dollars (\$200) for the first offense, five hundred dollars (\$500) for the second offense, and one thousand dollars (\$1,000) for the third offense.

Notwithstanding Section 1464 or any other provision of law, 25 percent of each civil and criminal penalty collected pursuant to this subdivision shall be paid to the office of the city attorney, county counsel, or district attorney, whoever is responsible for bringing the successful action, and 25 percent of each civil and criminal penalty collected pursuant to this subdivision shall be paid to the city or county for the administration and cost of the community service work component provided in subdivision (b).

Proof that a defendant, or his or her employee or agent, demanded, was shown, and reasonably relied upon evidence of majority shall be defense to any action brought pursuant to this subdivision. Evidence of majority of a person is a facsimile of or a reasonable likeness of a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces.

For purposes of this section, the person liable for selling or furnishing tobacco products to minors by a tobacco vending machine shall be the person authorizing the installation or placement of the tobacco vending machine upon premises he or she manages or otherwise controls and under circumstances in which he or she has knowledge, or should otherwise have grounds for knowledge, that the tobacco vending machine will be utilized by minors.

(b) Every person under the age of 18 years who purchases, receives, or possesses any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking of tobacco, products prepared from tobacco, or any controlled substance shall, upon conviction, be punished by a fine of seventy-five dollars (\$75) or 30 hours of community service work.

(c) Every person, firm, or corporation which sells, or deals in tobacco or any preparation thereof, shall post conspicuously and keep so posted in his, her, or their place of business at each point of purchase the notice required pursuant to subdivision (b) of Section 22952 of the Business and Professions Code, and any person failing to do so shall upon conviction be punished by a fine of ten dollars (\$10) for the first offense and fifty dollars (\$50) for each succeeding violation of this provision, or by imprisonment for not more than 30 days.

(d) For purposes of determining the liability of persons, firms, or corporations controlling franchises or business operations in multiple locations for the second and subsequent violations of this section, each individual franchise or business location shall be deemed a separate entity.

(e) It is the Legislature's intent to regulate the subject matter of this section. As a result, no city, county, or city and county shall adopt any ordinance or regulation inconsistent with this section.

(f) Notwithstanding any other provision of this section, the Director of Corrections may sell or supply tobacco and tobacco products, including cigarettes and cigarette papers, to any person confined in any institution or facility under his or her jurisdiction who has attained the age of 16 years, if the parent or guardian of the person consents thereto, and may permit smoking by the person in any institution or facility. No officer or employee of the Department of Corrections shall be considered to have violated this section by any act authorized by this subdivision.

COPY OF PENAL CODE SECTION 308.1

308.1. (a) Notwithstanding any other provision of law, no person shall sell, offer for sale, distribute, or import any tobacco product commonly referred to as "**bidis**" or "beedies," unless that tobacco product is sold, offered for sale, or intended to be sold in a business establishment that prohibits the presence of persons under 18 years of age on its premises.

(b) For purposes of this section, "**bidis**" or "beedies" means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*).

(c) Any person who violates this section is guilty of a misdemeanor or subject to a civil action brought by the Attorney General, a city attorney, county counsel, or district attorney for an injunction and a civil penalty of up to two thousand dollars (\$2,000) per violation. This subdivision does not affect any other remedies available for a violation of this section.

COPY OF PENAL CODE SECTION 308.3

308.3. (a) A person, firm, corporation, or business may not manufacture for sale, distribute, sell, or offer to sell any cigarette, except in a package containing at least 20 cigarettes. A person, firm, corporation, or business may not manufacture for sale, distribute, sell, or offer to sell any roll-your-own tobacco, except in a package containing at least 0.60 ounces of tobacco.

(b) As used in subdivision (a), "cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of, or contains any of, the following:

(1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco.

(2) Tobacco, in any form, that is functional in the product, that, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette.

(3) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in this subdivision.

(c) Any person, firm, corporation, or business that violates this section is liable for an infraction, or in an action brought by the Attorney General, a district attorney, a county counsel, or a city attorney for a civil penalty of two hundred dollars (\$200) for the first violation, five hundred dollars (\$500) for the second violation, and one thousand dollars (\$1,000) for each subsequent act constituting a violation.

COPY OF HEALTH AND SAFETY CODE SECTION 118950

118950. (a) The Legislature hereby finds and declares the following:

- (1) Smoking is the single most important source of preventable disease and premature death in California.
 - (2) Smoking is responsible for one-quarter of all death caused by fire.
 - (3) Tobacco-related disease places a tremendous financial burden upon the persons with the disease, their families, the health care delivery system, and society as a whole.
 - (4) Despite laws in at least 44 states prohibiting the sale of tobacco products to minors, each day 3,000 children start using tobacco products in this nation. Children under the age of 18 years consume 947 million packages of cigarettes in this country yearly.
 - (5) The earlier a child begins to use tobacco products, the more likely it is that the child will be unable to quit.
 - (6) More than 60 percent of all smokers begin smoking by the age of 14 years, and 90 percent begin by the age of 19 years.
 - (7) Use of smokeless tobacco products among minors in this state is increasing.
 - (8) Smokeless tobacco or chewing tobacco is harmful to the health of individuals and may cause gum disease, mouth or oral cancers, increased tooth decay and leukoplakia.
 - (9) Tobacco product advertising and promotion are an important cause of tobacco use among children. More money is spent advertising and promoting tobacco products than any other consumer product.
 - (10) Distribution of tobacco product samples and coupons is a recognized source by which minors obtain tobacco products, beginning the addiction process.
 - (11) It is the intent of the Legislature that keeping children from beginning to use tobacco products in any form and encouraging all persons to quit tobacco use shall be among the highest priorities in disease prevention for the State of California.
- (b) It is unlawful for any person, agent, or employee of a person in the business of selling or distributing smokeless tobacco or cigarettes from engaging in the nonsale distribution of any smokeless tobacco or cigarettes to any person in any public building, park or **playground**, or on any public sidewalk, street, or other public grounds, or on any private property that is open to the general public.
- (c) For purposes of this section:
- (1) "Nonsale distribution" means to give smokeless tobacco or cigarettes to the general public at no cost, or at nominal cost, or to give coupons, coupon offers, or rebate offers for smokeless tobacco or cigarettes to the general public at no cost or at nominal cost. Distribution of tobacco products, coupons, coupon offers, or rebate offers in connection with the sale of another item, including tobacco products, cigarette lighters, magazines, or newspapers shall not constitute nonsale distribution.
 - (2) "Smokeless tobacco" means (A) a loose or flat, compressed cake form of tobacco that may be chewed or held in the mouth or (B) a shredded, powdered, or pulverized form of tobacco that may be inhaled through the nostrils, chewed, or held in the mouth.
 - (3) "Public building, park, **playground**, sidewalk, street, or other public grounds" means any structure or outdoor **area** that is owned, operated, or maintained by any public entity,

including, but not limited to: city and county streets and sidewalks, parade grounds, fair grounds, public transportation facilities and terminals, public reception areas, public

APPENDIX E

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health facilities, public recreational facilities, and public office buildings.

- (4) "Private property that is open to the general public" means any structure or outdoor **area** that is owned, operated, or maintained by any private entity and that is open for entry or use by the general public, whether or not a fee or charge is imposed for entry or use.
- (d) Any person who violates this section shall be liable for a civil penalty of not less than two hundred dollars (\$200) for one act, five hundred dollars (\$500) for two acts, and one thousand dollars (\$1,000) for each subsequent act constituting a violation. Each distribution of a single package, coupon, coupon offer, or rebate offer to an individual member of the general public in violation of this section shall be considered a separate violation.
- (e) Neither this section nor any other provision of law shall invalidate an ordinance of, or prohibit the adoption of an ordinance by, a city or county regulating distribution of smokeless tobacco or cigarette samples within its boundaries that is more restrictive than this section. An ordinance that imposes greater restrictions on the sale or distribution of tobacco than this section shall govern, to the extent of any inconsistency between it and this section.
- (f) This section does not apply to any public building, park, **playground**, sidewalk, street, or other public grounds, or any private property that is open to the general public where minors are prohibited by law. This section also shall not apply to any public building, park, **playground**, sidewalk, street, or other public grounds open to the general public and leased for private functions where minors are denied access by a peace officer or licensed security guard on the premises.
- (g) This section does not apply to any private property that is open to the general public where minors are denied access to a separate nonsale distribution **area** by a peace officer or licensed security guard stationed at the entrance of the separate nonsale distribution **area** and the separate nonsale distribution **area** is enclosed so as to prevent persons outside the separate nonsale distribution **area** from seeing the nonsale distribution unless they undertake unreasonable efforts to see inside the **area**.

COPY OF HEALTH AND SAFETY CODE SECTION 104495

104495. (a) For the purposes of this section the following definitions shall govern:

- (1) "**Playground**" means any park or recreational **area** specifically designed to be used by children that has play equipment installed, or any similar facility located on public or private school grounds, or on city, county, or state park grounds.
 - (2) "**Tot lot sandbox area**" means a designated play **area** within a public park for the use by children under five years of age. Where the **area** is not contained by a fence, the boundary of a **tot lot sandbox area** shall be defined by the edge of the resilient surface of **safety** material, such as concrete or wood, or any other material surrounding the **tot lot sandbox area**.
 - (3) "Public park" includes a park operated by a public agency.
 - (4) "Smoke or smoking" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.
 - (5) "Cigarette" means the same as defined in Section 104556.
 - (6) "Cigar" means the same as defined in Section 104550.
- (b) No person shall smoke a cigarette, cigar, or other tobacco-related product within the boundaries of any **playground**, or **tot lot sandbox area**.
- (c) No person shall dispose of cigarette butts, cigar butts, or any other tobacco-related waste within a **playground**, or a **tot lot sandbox area**.
- (d) No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this section.
- (e) Any person who violates this section is guilty of an infraction and shall be punished by a fine of one hundred dollars (\$100) for each violation of this section.
- (f) The prohibitions contained in subdivisions (b), (c), and (d) shall not apply to private property.
- (g) This section shall not preempt the authority of any county, city, or city and county to regulate smoking around playgrounds or **tot lot sandbox areas**. Any county, city, or city and county may enforce any ordinance adopted prior to January 1, 2002, or may adopt and enforce new regulations that are more restrictive than this section, on and after January 1, 2002.

COPY OF BUSINESS AND PROFESSIONS CODE SECTION 22962

22962. (a) For purposes of this section, "**self-service display**" means the open **display** of tobacco products in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer.
- (b) Except as permitted in subdivision (b) of Section 22960, it is unlawful for any person engaged in the retail sale of tobacco products to sell, offer for sale, or **display** for sale cigarettes by **self-service display**. Any person who violates this section is subject to those civil penalties specified in the schedule in subdivision (a) of Section 22958.
- (c) The Attorney General, a city attorney, a county counsel, or a district attorney may bring a civil action to enforce this section.
- (d) This section does not preempt or otherwise prohibit the adoption of a local standard that imposes greater restrictions on the access to tobacco products than the restrictions imposed by this section. To the extent that there is an inconsistency between this section and a local standard that imposes greater restrictions on the access to tobacco products, the greater restriction on the access to tobacco products in the local standard shall prevail.

COPY OF BUSINESS AND PROFESSIONS CODE SECTION 25612.5(c)(7)

25612.5. (a) This section shall apply to licensees other than a retail on-sale licensee or on-sale beer and wine licensee who is licensed and operates as a bona fide public eating place, as defined in Section 23038, 23038.1, or 23038.2, or as a hotel, motel, or similar lodging establishment, as defined in subdivision (b) of Section 25503.16; a winegrowers license; a licensed beer manufacturer, as defined in Section 23357; a retail licensee who concurrently holds an off-sale retail beer and wine license and a beer manufacturer's license for those same or contiguous premises; and a retail on-sale licensee or on-sale beer and wine licensee who is licensed and operates as a bona fide public eating place, as defined in Section 23038, 23038.1, or 23038.2, or as a hotel, motel, or similar lodging establishment, as defined in subdivision (b) of Section 25503.16, a licensed beer manufacturer, as defined in Section 23357, or a winegrowers license, who sells off-sale beer and wine under the on-sale license on those same or contiguous premises.

(c) Other than as provided in subdivision (a), each retail licensee shall comply with all of the following:

(7) No more than 33 percent of the square footage of the windows and clear doors of an off-sale premises shall bear **advertising** or signs of any sort, and all **advertising** and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. However, this latter requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises.

COPYRIGHT AND OWNERSHIP OF MATERIALS

The following is the required copyright and ownership of materials language in the TCS grant:

- A. The State shall be the owner of all rights, title and interest in, not limited to the copyright to, any and all Works created, provided, or developed in part or in total under this grant, whether or not published or produced. For purposes of this paragraph, "Works" are all literary Works, writings and printed matter, including the medium by which it is recorded or reproduced, and photographs, art work, pictorial and graphic representations, motion pictures, other audiovisual products, digital recordings, tape recordings, educational materials, original computer software programs, data, and any other materials or products conceived, developed, or delivered as a result of this grant. The copyright to any and all Works created, provided, or developed under this grant, whether published or not published or produced, belongs to the State from the moment of creation.
- B. The State retains all rights to use, reproduce, distribute, or display any Works created, provided, or produced under this grant and any derivative works based on grant Works, as well as all other rights, privileges, and remedies granted or reserved to a copyright owner under statutory and common law copyright law.
- C. Grantee shall grant to the State, as permitted in California Civil Code, Section 982, ownership in any original work of authorship created, provided, or produced under this grant that is not fixed in any tangible medium of expression.
- D. If for any reason, the State is not deemed to be the owner of all rights, title and interest in the Works created, provided, developed, or produced under this grant, then Grantee, by entering into this grant, assigns all such rights to the State.
- E. For any product, data or material which is created, provided, developed, or produced under this grant which is not deemed a Work, the Grantee shall grant the State a royalty-free, non-exclusive, and irrevocable license throughout the world to reproduce, to produce derivative Works, to distribute copies, to perform, to display or otherwise use, duplicate, or dispose of such product, data or material in any manner for governmental purposes, and to have or permit others to do so.
- F. Subject to the terms, conditions, and limitations contained in this grant and subject to the performance of all terms and conditions stated in this grant, the State grants to the Grantee a non-exclusive license to use, duplicate, distribute, and permit others to use Works created, produced or developed under this grant for the purpose of carrying out the terms and conditions of this grant, consistent with any limitations set forth in this grant.
- G. For Works requiring the use of other copyright holders' materials, the Grantee shall furnish the names and addresses of all copyright holders or their agents, if any, and the terms of any licenses or usage granted, at the time of delivery of the Works. No materials of other copyright holders shall be used without prior written permission of the State and the holder of the copyright.

- H. At any time the Grantee enters into an agreement with another party in order to perform the work required under this grant, the Grantee shall require the agreement to include language granting the State a copyright interest in any Works created, provided, developed, or produced under the agreement and ownership of any Works not fixed in any tangible medium of expression. In addition, the Grantee shall require the other party to assign those rights to the State in a format prescribed by the State. For any Works for which the copyright is not granted to the State, the State shall retain a royalty-free, non-exclusive and irrevocable license throughout the world to reproduce, to prepare derivative Works, to distribute copies, to perform, to display, or otherwise use, duplicate or dispose of such Works in any manner for government purposes, and to have or permit others to do so.
- I. The Grantee represents and warrants that:
- 1) the Grantee is free to enter into and fully perform this agreement;
 - 2) the Grantee has secured or will secure all rights and licenses necessary for the creation, production, or development of the Works under this grant;
 - 3) neither the Works created, produced, or developed under this grant, the materials contained therein, nor the exercise by either the Grantee or the State of the rights described or granted in this grant, shall infringe upon or violate the rights or interests of any person or entity;
 - 4) neither the Works, nor any part of the Works, created, produced, or developed under this grant shall: a) violate the right of privacy of, or b) constitute a libel or slander against, or c) infringe upon the copyright, literary, dramatic, statutory or common law rights, trademarks or service marks of any person, firm, or corporation; and
 - 5) the Grantee has not granted and shall not grant to any person or entity any right that would or might derogate, encumber, or interfere with any of the rights granted to the State in this grant.
- J. All Works distributed under the terms of this grant and any reproductions of visual Works or text of such Works shall include a notice of copyright in a place that can be visually perceived either directly or with the aid of a machine or device. This notice shall be placed prominently on Works and set apart from other matter on the page or medium where it appears.
- K. The Grantee shall indemnify, defend and hold harmless the State and its licensees and assignees, and their officers, directors, employees, agents, representatives, successors, licensees and assignees from and against all claims, actions, damages, losses, costs and expenses, including reasonable attorneys' fees, which any of them may sustain because of the use, reproduction, distribution, display or transfer of the Works and any other materials furnished by Grantee under this grant, or because of the breach of any of the representations or warranties made in this grant award.

- L. If the use of any Work is enjoined as a result of any action or proceeding, the Grantee shall, at its own expense and at the option of the State:
- 1) procure for the State the right to continue to use said element, if the cost of said element does not exceed the reasonable cost anticipated under paragraph 16.L.2) or 16.L.3) below; or
 - 2) replace said element with a comparable element which is non-infringing or does not violate the rights or interest of any person or entity; or
 - 3) modify said element so it becomes non-infringing or does not violate the rights or interest of any person or entity.
- M. The State owns all materials developed, provided, and produced for the State under this grant. During the contracting phase of this process, the State shall negotiate with the Grantee to determine the number of camera-ready and completed versions of each deliverable the State will receive. It is anticipated that the State will use deliverables in future tobacco control programs.

Recommended Sampling Protocol for Enforcement of Penal Code Section 308(a)

On a semi-annual basis, every grantee shall:

1. Visit any store that has received a complaint about selling tobacco to a minor.
2. Revisit any store that has previously sold tobacco within the past 12 months.
3. Visit the designated percent of stores according to the following Performance Range for estimated tobacco retailers.

Performance Range:

- <75 tobacco retailers: visit each store once per year
- 75 - 299 tobacco retailers: visit 50% of stores once per year
- ≥300 - 800 tobacco retailers: visit 20% of stores once per year.
- >800 tobacco retailers: visit 15% of stores once per year.

Recommended Sampling Protocol for Labor Code Section (LC) 6404.5

1. Visit and cite 40-50% of bars that are out of compliance in the jurisdiction within the first six months of the grant term.
2. Visit and cite the remaining bars in the jurisdiction that are out of compliance during the second six months of the grant term.
3. Make follow-up visits and citations to bars that are out of compliance.
4. On a regular basis, not less than once a month, visit and cite bars that may be or are out of compliance for the grant term.
5. Follow general protocols when conducting compliance checks related to LC§6404.5, including the following:
 - Conduct bar check operations at optimal violation times such as after 7:00 p.m.
 - Conduct follow-up visits to bars where citations are issued during the first check.
 - Adequate documentation will be required for recording information during compliance check operations.

**Recommended Protocols and Standards for Enforcement of
Penal Code Section 308(a) Decoy Options**

The following minimum standards shall apply to all decoys working with members of designated agencies engaged in undercover activities pertaining to PC§308(a) enforcement.

- 1) All decoys shall be less than 18 years old at the time of any undercover decoy operation. The decoy shall display an appearance consistent with their age (less than 18 years old) and environment.
- 2) A photograph or video recording will be taken immediately prior to or at the time of the operation for the purpose of recalling the decoys appearance at this time. The photograph and/or video recording will be retained by the agency supervising the decoy operation.
- 3) A decoy shall carry his or her own identification showing their correct date of birth or not carry any identification. A decoy who carries identification shall present it upon request to any seller of tobacco products.
- 4) Enforcement agencies may require decoys to respond truthfully to the seller if verbally asked their age or they may allow the decoy to verbally respond that they are 18 years of age.
- 5) A decoy shall be supervised by an adult regularly employed peace officer or other adult authorized statutory authority at all times during the operation.
- 6) The designated agency may use recording equipment, including video, audio, photographic and other audio/visual recording equipment, to record and document an operation.
- 7) Upon completion of the decoy operation, the designated agency may notify the owner or owner's agent of the operations results.

BUDGET SAMPLE

APPENDIX K

Name of Grantee: JKL Community Agency								
Exhibit B - Budget								
Grant Number: 01-xxxxx								
Term: 10/01/02 - 06/30/05					Revision Date: June 27, 2002			
					10/01/02 to	07/01/03 to	07/01/04 to	TOTAL
	# of Pay	% of Time			10/01/02 to	07/01/03 to	07/01/04 to	TOTAL
Pay	Periods	Salary	Or Hours		06/30/03	06/30/04	06/30/05	BUDGET
Period	Per Year	Range	Per PP					
A. PERSONNEL COSTS								
1. Sr. Investigator	S	24	\$1,670 - \$1,750	20	\$5,940	\$8,400	\$8,400	\$22,740
2. Assistant Investigator	S	24	\$1,150 - \$1,250	25 - 35	\$5,184	\$10,502	\$10,502	\$26,188
	# of Pay	Overtime	Approx # of					
	Periods	Salary Rate	OT Hours					
	Per Year	Per Hour	Per Pay Period					
Overtime								
1. Sr. Investigator	S	24	\$30 - \$35	20	\$10,800	\$16,800	\$16,800	\$44,400
2. Assistant Investigator	S	24	\$20 - 25	15	\$5,400	\$9,000	\$9,000	\$23,400
Youth Stipends*								
Approx 5 Youth	H	12	\$6.25/hr	15 hrs/youth/pp	\$5,625	\$5,625	\$5,625	\$16,875
Total Personnel Costs:					\$32,949	\$50,337	\$50,337	\$133,623
B. FRINGE BENEFITS @ 32% of Total Personnel Costs					\$3,650	\$6,052	\$6,052	\$15,664
TOTAL PERSONNEL EXPENSES:					\$36,509	\$56,389	\$56,389	\$149,287
C. OPERATING EXPENSES					\$6,372	\$8,611	\$9,011	\$23,984
D. EQUIPMENT EXPENSES					\$970	\$0	\$0	\$970
E. TRAVEL/PER DIEM AND TRAINING					\$8,200	\$5,050	\$7,450	\$20,700
F. SUBCONTRACTS AND CONSULTANTS								
1. XYZ Subcontracted Agency					\$567	\$750	\$0	\$1,317
2. Jane Doe Consultant					\$117	\$150	\$0	\$267
TOTAL SUBCONTRACTS AND CONSULTANTS					\$684	\$900	\$0	\$1,584
G. OTHER COSTS								
1. Educational Materials					\$250	\$250	\$250	\$750
2. Promotional Items and Incentives					\$890	\$890	\$890	\$2,670
3. Media, Public Relations, Advertising					\$300	\$300	\$300	\$900
4. Additional Expenses								
a. Youth Stipends*					\$0	\$0	\$0	\$0
b. Youth Per Diem					\$2,880	\$2,880	\$2,880	\$8,640
c. Facility Fees					\$300	\$300	\$300	\$900
TOTAL OTHER COSTS:					\$4,620	\$4,620	\$4,620	\$13,860
H. INDIRECT EXPENSES @ 25% of Total Personnel Expenses					\$0	\$0	\$0	\$0

TOTAL EXPENSES	\$57,490	\$75,750	\$77,640	\$213,880
*Stipends may be budgeted in either Personnel or Other Costs, but should not be in both.				

BUDGET JUSTIFICATION SAMPLE
JKL AGENCY
OCTOBER 1, 2002 – JUNE 30, 2005

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
A. PERSONNEL SALARIES				
1. Senior Investigator	\$ 5,940	\$ 8,400	\$ 8,400	\$ 22,740
\$1,650-\$1,750 semi monthly- 20% x 24 pay periods/year				
Position has overall responsibility for the day-to-day operation of the program's enforcement program; will conduct LC§6404.5 site visits to local bars; will conduct PC§308(a) youth decoy enforcement operations; issue citations when violations are observed; file reports & citations with the District Atty's Office for possible prosecution. Oversees other tobacco enforcement staff and enforcement operations.				
2. Assistant Investigator	\$ 5,184	\$ 10,512	\$ 10,512	\$ 26,208
\$1,150-\$1,250 semi monthly– 25-35% x 24 pay periods/year				
Under the guidance of the Sr. Investigator, the position is responsible for tracking citizen complaints of smoking in bars and merchants selling tobacco products to youth; will conduct LC§6404.5 site visits to local bars; will conducts PC§308(a) youth decoy enforcement operations; issue citations when violations are observed; file reports & citations with the District Atty's Office for possible prosecution. Responsible for ensuring the program has appropriate number of youth needed for PC§308(a) activities.				
Overtime				
a. Sr. Investigator				
\$30-35/hr x 20 hrs/pp x 24 pp/yr	\$ 10,800	\$ 16,800	\$ 16,800	\$ 44,400
b. Assistant Investigator				
\$20-25/hr x 15 hrs/pp x 24 pp/yr	\$ 5,400	\$ 9,000	\$ 9,000	\$ 23,400

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
<i>Note: Stipends may be budgeted in either the Personnel category or the Other Costs category, but not in both. Additionally, in this example for Stipends, the matching funds provided is on a 2-1 ratio in order to meet the overall 4-1 matching funds requirement.</i>				
Stipends				
\$6.25 per hour x 5 youth x 15 hrs/pp/youth x 12 pp/yr	\$ 5,625	\$ 5,625	\$ 5,625	\$ 16,875
Stipends will be used to reimburse youth decoys for the PC§308(a) enforcement activities				
<i>Total Personnel Costs</i>	\$ 32,949	\$ 50,337	\$ 50,337	\$ 133,623
B. FRINGE BENEFITS	\$ 3,560	\$ 6,052	\$ 6,052	\$ 15,664
At approximately 32% of Total Salaries (excluding Overtime/Stipend expenses). Fringe Benefits include: FICA, Unemployment & Disability Insurance, Workers Compensation, Health, Dental, Vision.				
TOTAL PERSONNEL EXPENSES	\$ 36,509	\$ 56,389	\$ 56,389	\$ 149,287
C. OPERATING EXPENSES				
1. General Expenses				
a. Office Supplies: Pens, pencils, paper, etc, at approx \$25 per month x 33 months = \$825.	\$ 225	\$ 300	\$ 300	\$ 825
b. Postage: Includes all mailing expenses, first class, overnight/express mail delivery, etc., at approx \$35 per month x 33 months = \$1,155.	\$ 315	\$ 420	\$ 420	\$ 1,155

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
c. Duplicating: Includes in-house photocopying expenses, the tobacco enforcement program's share of the copy machine usage, including the copier maintenance agreement and copier supplies such as toner; approx \$20 per month x 33 months = \$660.	\$ 180	\$ 240	\$ 240	\$ 660
2. Communications: Includes the tobacco enforcement program's prorated share of the telephone and fax expenditures; at approx \$25 per month x 33 months = \$825.	\$ 225	\$ 300	\$ 300	\$ 825
3. Printing: Includes the cost of printing the tobacco enforcement program's citations, training guides, business cards, etc, done by an outside vendor; at approx \$15/mo x 33 months = \$495.	\$ 135	\$ 180	\$ 180	\$ 495
4. Space/Rent Lease Includes 150 sq ft/FTE plus additional 100 sq ft common space. Year 1: 1.5% FTE Staff: 325 sq ft x \$1.25/sq ft x 9 mo = \$3,657 Year 2: 1.5% FTE Staff: 325 sq ft x \$1.35/sq ft x 12 mo = \$5,266 Year 3: 1.5% FTE Staff: 325 sq ft x \$1.45/sq ft x 12 mo = <u>\$5,656</u> \$14,579	\$ 3,657	\$ 5,266	\$ 5,656	\$ 14,579

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
5. Equipment Rental 1 copier @ \$25/mo x 33 months = \$825 1 postage meter @ \$5/mo x 33 months = <u>\$165</u> \$990	\$ 270	\$ 360	\$ 360	\$ 990
6. Audit Expenses The annual agency audit estimated cost is \$50,000. The prorated share applicable to the tobacco enforcement program is 1.25% or \$625. The agency's operates on a July-June fiscal year. \$625 x 3 years = \$1,875	\$ 625	\$ 625	\$ 625	\$ 1,875
7. Buy Money: Approx. \$200/yr is needed to purchase cigarettes & small items, such as gum, sodas during youth decoy enforcement activities for PC§308(a). \$200 x 3 years = \$600.	\$ 200	\$ 200	\$ 200	\$ 600
8. Agency Vehicle Use: \$75/mo for fleet service expenses. \$75 is the prorated share for the tobacco enforcement program for 1 vehicle. \$75/mo x 33 months = \$2,475.	\$ 675	\$ 900	\$ 900	\$ 2,475
TOTAL OPERATING EXPENSES	\$ 6,372	\$ 8,611	\$ 9,001	\$ 23,984

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
D. EQUIPMENT EXPENSES				
2 mobile radios @ \$85/ea = \$170				
1 video tape recorder @ <u>\$800</u> \$970	\$ 970	\$ 0	\$ 0	\$ 970
The above equipment is necessary for use in the PC§308(a) youth decoy operations.				
TOTAL EQUIPMENT EXPENSES	\$ 970	\$ 0	\$ 0	\$ 970
E. TRAVEL/PER DIEM & TRAINING				
1. Agency Required Travel:	\$ 200	\$ 200	\$ 200	\$ 600
\$200/yr is needed to cover mileage expenses staff incur when using their personal vehicle to attend professional development trainings, travel to youth decoy trainings, POST trainings, etc. Reimbursement will be at \$.34 per mile.				
2. Agency Required Training:	\$ 350	\$ 350	\$ 350	\$ 1,050
\$350/yr is needed to cover registration fees for professional development trainings that are required for enforcement staff to maintain their employment status				
\$350 x 3 years = \$1,050				

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
3. CDHS/TCS-Required Travel & Training Conferences				
a. New Grantee Orientation:	\$ 750	\$ 0	\$ 0	\$ 750
\$250/person (\$125 for travel/per diem & \$125 for registration) x 3 staff (2 enforcement and 1 fiscal)				
b. Project Director's Meeting:	\$ 2,400	\$ 0	\$ 2,400	\$ 4,800
\$1,200/person (\$1,000 for travel/per diem and \$200 for registration) x 2 staff				
c. Tobacco Control Law Enforcement Trainings:	\$ 750	\$ 750	\$ 750	\$ 2,250
\$375 (\$250 for travel/per diem & \$125 for registration) is budgeted for 1 staff person to attend 2 tobacco control enforcement training per year.				
d. Additional CDHS/TCS-Required Trainings/Conferences:				
\$375 (\$250 for travel/per diem & \$125 for registration) per person for 1-2 staff to attend 3-5 additional required trainings per year.	\$ 3,750	\$ 3,750	\$ 3,750	\$ 11,250
TOTAL TRAVEL/PER DIEM & TRAINING	\$ 8,200	\$ 5,050	\$ 7,450	\$ 20,700
F. SUBCONTRACTS & CONSULTANTS				
1. XYZ Subcontracted Agency	\$ 567	\$ 750	\$ 0	\$ 1,317
\$750 is needed for the first and second year to subcontract with an agency who will assist in the recruitment of youth needed for the PC308(a) enforcement activities.				
2. Jane Doe Consultant	\$ 117	\$ 150	\$ 0	\$ 267
Approximately \$150 for the first and second year is needed to subcontract with a consultant who will assist in the training of youth decoys for the PC§308(a) enforcement trainings.				
TOTAL SUBCONTRACTS & CONSULTANTS	\$ 684	\$ 900	\$ 0	\$ 1,584

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
G. OTHER COSTS				
1. Educational Materials Approx. \$250/year is needed to purchase items such as brochures, videos, training guides, etc. to be used to train youth on PC308(a) enforcement protocol and adult volunteers on LC§6404.5 enforcement protocol. \$250/year x 3 years = \$750	\$ 250	\$ 250	\$ 250	\$ 750
2. Promotional Items/Incentives				
a. Promotional Items: Approx. \$500 per year is needed to purchase promotional items such as baseball caps, t-shirts, pencils, etc. to be distributed to community members at public events in order to generate visibility and support for the tobacco enforcement program. \$500/year x 3 years = \$1,500.	\$ 500	\$ 500	\$ 500	\$ 1,500
b. Incentives (NTE \$50/person/yr): Incentives such as gift certificates, movie passes, etc. will be provided to youth and adult volunteers who recruit additional youth and adults to participate in the PC§308(a) and LC§6404.5 enforcement program. \$30/person x 8 youth & 5 adults per year x 3 years = \$1,170	\$ 390	\$ 390	\$ 390	\$ 1,170

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
3. Media, Public Relations, Advertising Approx \$300 per year is needed to place advertisements in local newspapers, notifying the community that JKL Agency has received funding for enforcement activities, to recruit youth and adults, and announce the results of the enforcement activities. \$300/year x 3 years = \$900	\$ 300	\$ 300	\$ 300	\$ 900
4. Additional Expenses				
a. Stipends <i>(Note: Stipends may be budgeted in either the Personnel category or the Other Costs category, but not in both. For a sample Stipend budget, see the Personnel category.)</i>				
b. Youth Per Diem: Approx. \$20/day x 2 days/mo x 6 mos x 12 youth = \$2,880/yr is needed to provide per diem expenses for youth during extended PC§308(a) enforcement activities.	\$ 2,880	\$ 2,880	\$ 2,880	\$ 2,880
c. Facility Fees Approx \$300/yr is needed to rent meeting space for the youth protocol trainings for the youth involved in PC§308(a) enforcement activities. \$300/yr x 3 years = \$900	\$ 300	\$ 300	\$ 300	\$ 900
6. TOTAL OTHER COSTS	\$ 4,620	\$ 4,620	\$ 4,620	\$ 13,860

	FY	FY	FY	Total
	10/02-6/03	7/03-6/04	7/04-6/05	Amount
	Requested	Requested	Requested	Requested
H. INDIRECT EXPENSES	\$ 0	\$ 0	\$ 0	\$ 0
<p>The following Indirect Expenses will be provided in-kind: administrative expenses such as personnel, accounting/payroll services, utilities, building maintenance.</p> <p>FY 02/03: \$ _____</p> <p>FY 03/04: \$ _____</p> <p>FY 04/05: \$ _____</p> <p>The agency's documented Indirect rate is 25% and is applied to personnel and fringe benefits only.</p>				
I. TOTAL EXPENSES	\$ 57,490	\$ 75,750	\$ 77,640	\$ 213,880

Travel Reimbursement Information Effective October 1, 2001

1. The following rate policy is to be applied for reimbursing the travel expenses of persons under contract.
 - a. Reimbursement shall be at the rates established for nonrepresented/excluded state employees.
 - b. Short Term Travel is defined as a 24-hour period, and less than 31 consecutive days, and is at least 50 miles from the main office, headquarters or primary residence. Starting time is whenever a contract employee leaves his or her home or headquarters. "Headquarters" is defined as the place where the contracted personnel spends the largest portion of their working time and returns to upon the completion of special assignments.
 - c. Contractors on travel status for more than one 24-hour period and less than 31 consecutive days may claim a fractional part of a period of more than 24 hours. Consult the chart appearing on page 2 of this exhibit to determine the reimbursement allowance. All lodging must be receipted. If contractor does not present receipts, lodging will not be reimbursed.

(1) Lodging (with receipts):

Travel Location / Area	Reimbursement Rate
Statewide Non-High Cost Area	\$ 84.00 plus tax
<u>Counties of Los Angeles and San Diego</u>	<u>\$110.00 plus tax</u>
<u>Counties of Alameda, San Francisco, San Mateo, and Santa Clara</u>	<u>\$140 plus tax</u>

Reimbursement for actual lodging expenses exceeding the above amounts may be allowed with the advance written approval of the Deputy Director of the Department of Health Service or his or her designee. Receipts are required.

- (2) Meal/Supplemental Expenses (with or without receipts): With receipts, the contractor will be reimbursed actual amounts spent up to the maximum.

Meal / Expense	Reimbursement Rate
Breakfast	\$ 6.00
Lunch	\$ 10.00
Dinner	\$ 18.00
Incidental	\$ 6.00

- d. Out-of-state travel may only be reimbursed if such travel has been stipulated in the contract and has been approved in advance by the program with which the contract is held. For out-of-state travel, contractors may be reimbursed actual lodging expenses, supported by a receipt, and may be reimbursed for meals and supplemental expenses for each 24-hour period computed at the rates listed in c. (2) above. For all out-of-state travel, contractors must have prior Departmental approval and a budgeted trip authority.
- e. In computing allowances for continuous periods of travel of less than 24 hours, consult the chart appearing on page 2 of this bulletin.

- f. 2 No meal or lodging expenses will be reimbursed for any period of travel that occurs within normal working hours, unless expenses are incurred at least 50 miles from headquarters.
2. If any of the reimbursement rates stated herein are changed by the Department of Personnel Administration, no formal contract amendment will be required to incorporate the new rates. However, DHS shall inform the contractor, in writing, of the revised travel reimbursement rates.
3. For transportation expenses, the contractor must retain receipts for parking; taxi, airline, bus, or rail tickets; car rental; or any other travel receipts pertaining to each trip for attachment to an invoice as substantiation for reimbursement. Reimbursement may be requested for commercial carrier fares; private car mileage; parking fees; bridge tolls; taxi, bus, or streetcar fares; and auto rental fees when substantiated by a receipt.
4. **Note on use of autos:** If a contractor uses his or her car for transportation, the rate of pay will be 34 cents maximum per mile. If the contractor is a person with a disability who must operate a motor vehicle on official state business and who can operate only specially equipped or modified vehicles may claim up to 37 cents per mile. If a contractor uses his or her car "in lieu of" air fair, the air coach fair will be the maximum paid by the State. The contractor must provide a cost comparison upon request by the state. Gasoline and routine automobile repair expenses are not reimbursable.
5. The contractor is required to furnish details surrounding each period of travel. Travel detail may include, but not be limited to: purpose of travel, departure and return times, destination points, miles driven, mode of transportation, etc.
6. Contractors are to consult with the program with which the contract is held to obtain specific invoicing procedures.

Travel Reimbursement Guide

Length of travel period	This condition exists...	Allowable Meal(s)
Less than 24 hours	Travel begins at 6:00 a.m. or earlier and continues until 9:00 a.m. or later.	Breakfast
Less than 24 hours	<ul style="list-style-type: none"> Travel period ends at least one hour after the regularly scheduled workday ends, or Travel period begins prior to or at 5:00 p.m. and continues beyond 7:00 p.m. 	Dinner
24 hours	Travel period is a full 24-hour period determined by the time that the travel period begins and ends.	Breakfast, lunch, and dinner
Last fractional part of more than 24 hours	Travel period is more than 24 hours and traveler returns at or after 8:00 a.m.	Breakfast
	Travel period is more than 24 hours and traveler returns at or after 2:00 p.m.	Lunch
	Travel period is more than 24 hours and traveler returns at or after 7:00 p.m.	Dinner